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# DEFENCE

OF THE

# SYSTEM

OF

# SOLITARY CONFINEMENT

OF

# PRISONERS

## ADOPTED BY THE STATE OF PENNSYLVANIA,

WITH

*Remarks on the Origin, Progress and Extension of this species of Prison Discipline.*

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BY GEORGE W. SMITH.

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PHILADELPHIA:

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## ERRATA.

Page 13, line 17, for "affected," read effected.

Page 25, line 2 of the note, after "which," add (with the exception of the *Penitentiary* department.)

Page 41 and 42, line 1, for "first tried with," read at first tried with nearly.

Page 47, line 42, after "buildings," add,—we request the reader to observe that we refer to the *county* prisons of Pennsylvania, when compared with those of Gloucester-*shire*. The Penitentiary department of the county prison, in the *city* of Gloucester, was not superior to the *Penitentiary house* at Philadelphia, and the discipline of the latter was certainly, in *theory*, (and, *as at first administered*, in practice also,) superior. See pages 51 and 104.

Page 48, line 38, after "confinement" read some of them.

Page 48, line 39, after "others" read nevertheless.

Page 49, line 11, for "this," read these.

Page 50, line 47, after "Pennsylvania" read until 1829. Previous to the latter year, the law inflicting solitary confinement was enforced in this state only in a limited and very imperfect degree. Even in Philadelphia, minor offenders were very rarely thus punished. In Great Britain this discipline has been extensively applied to nearly every class. The more atrocious criminals in the latter country, are either hanged or transported, and.

# PREFACE.

The following essays were written in the winter of 1828-9, and published in the Philadelphia Gazette. At that period, a bill was pending in the Legislature of Pennsylvania authorizing the organization of the penitentiaries for the eastern and western districts of the state. Two reports had been presented to the Legislature, by two separate boards of commissioners, which recommended two species of prison discipline at total variance with each other, and each differing from the mode established by the laws then in existence.

The first board had been appointed by the Governor in pursuance of a resolution passed 23d March, 1826, requiring them "to revise the Penal Code of this commonwealth, to suggest what additions, alterations and changes should take place in the system, and to report a bill to the next Legislature, *adapted to, and modelled on the principle of labour and solitary confinement*, together with such suggestions and observations as may be necessary to a proper determination on the subject."

Judge Shaler of Pittsburg, Judge King and Thomas J. Wharton, Esq. of Philadelphia, who were appointed the commissioners, made a voluminous and highly interesting report, but, to the surprise of the whole community, and *in direct violation of both the letter and spirit of the resolution* requiring their report, they recommended a *total change* in the long cherished and approved system of Pennsylvania! They had paid but little attention to either the theory or practice of prison discipline, and had been selected to revise the Penal Code with reference to their legal attainments. Inexperience induced them to credit the unfounded allegations respecting the theory, practice and alleged superiority of a system of prison discipline which has been recently smuggled into the state of New York from Europe; a system which had been scarcely naturalized before its paternity was forgotten or concealed, and its discovery claimed as an entire novelty due to the genius and superior wisdom of our unassuming sister state.

The ungracious task of analysing this report, and the attempt to point out some of the statements which we believed to be erroneous, were undertaken at the request of some respectable citizens, who believed that the effect of the report

might perhaps be prejudicial. The tone of some of our comments in the following essays, appears to us at the present time somewhat more harsh than our present tempered zeal, and respect for the writer of this report, would willingly sanction. His errors were those of opinion, not of intention; errors which zeal and inexperience, however united with purity of motive, almost invariably produce. It is possible, that the critic himself may unconsciously illustrate the difficulty of avoiding similar mistakes of omission and commission; neglecting or overlooking such evidence as may be adverse, and selecting or regarding only, such testimonials as may be in unison with preconceived and approved opinions.

The report of the second board of commissioners, was prepared in pursuance of a resolution of the Senate, passed April 14, 1827.

The gentlemen who signed this document, were the commissioners who had been selected to superintend the building of the Eastern Penitentiary; their valuable services were given gratuitously. Many of them had been chosen, not on account of their knowledge of prison discipline, but merely to superintend the building operations. A *majority* of them wished to change the existing law in one important particular, viz. to prohibit labour in the solitary cells. In other respects the report was worthy of commendation. Their report however, as well as that of the first named commissioners, did not receive the sanction nor even attract the notice of the Legislature. At this period, when it was all important to counteract the effect of erroneous theories and statements on the minds of our Representatives, we thought that a brief but comprehensive history of the origin, progress, theory and practice of the system of solitary or separate confinement of prisoners, might be not wholly useless. The effort was forthwith made, and the result is exhibited in the present essays. The Philadelphia Society for alleviating the miseries of public prisons, requested the writer to reprint them in pamphlet form, a request which could not at that time be conveniently complied with. A recent repetition of the request has induced the present republication of the essays in their original form, (in compliance with a desire expressed by several members of the Society,) with but few alterations and some additional notes.

# SOLITARY CONFINEMENT.

## No. I.

Although much has been written on the subject of the Penitentiary System, we venture to hope that the immense importance of a correct decision by our Legislature on the continuance and perfection of a species of discipline, which has so long formed a conspicuous feature in our Penal Code—will furnish an apology for the publication of the following essays.

We propose to inquire whether solitary confinement, or rather the confinement of prisoners *separate and apart from each other*, united with a system of *labour and instruction*, be expedient in Pennsylvania.

The *prevention* of crimes and the *reformation* of criminals in lieu of the vindictive infliction of pain on offenders, are *now* almost universally acknowledged to be the only legitimate designs which can justify the infliction of human punishment. Policy and humanity equally dictate that punishments should be sufficiently severe to prevent the subjects on whom they are inflicted repeating their offences, and to deter others from following their example. The intentional addition of any further suffering constitutes cruelty. However obvious this theory of punishments may appear at the present day, its justice has been but recently acknowledged; and in practice it is to this hour almost unknown throughout Christendom. The gratification of vengeance and securing the persons of prisoners, appear to have constituted the only design of imprisonment until near the conclusion of the last century. The few instances of a contrary species of discipline constitute an exception only to the rule.

The remuneration to society for the expense of maintaining prisoners by the exaction of *labour* from them, was rarely attempted in any part of Europe—unless we may consider as exceptions, the compulsory employment of prisoners of war among all nations from the remotest periods of antiquity

(which yet exists in some communities,) and the services exacted from galley slaves.

The introduction of labour as an essential element of a *general* system of prison discipline, may perhaps be justly attributed to that spirit of economy which characterizes the legislation of the Dutch. The maintenance of any class in idleness, has never been intentionally practised by this industrious and thrifty nation. Hence prisons and workhouses have been synonymous terms in Holland from a very remote period: attempts to promote reformation by the religious instruction of the prisoners appear to have been sometimes made in that country with partial success. In no other part of Europe was this system *generally* pursued: in few countries was it attempted in *any* of their prisons; and in Great Britain, it had not even entered into their imaginations. We think it highly probable, that our illustrious founder, William Penn, observed, during his travels in Holland, this striking feature of their policy, and resolved to adopt the measure, when he projected the celebrated code of laws in England, (1682) for the government of this province. In the tenth section it is expressly declared that "all prisons shall be workhouses for felons, vagrants and loose and idle persons." The Great Law (1682) contains a similar enactment—the stock on which all our subsequent legislation has been grafted. The merit therefore of originality, has been perhaps erroneously attributed to him. It is however sufficient praise that he had the penetration to perceive and judgment to approve and *copy* these useful institutions of a foreign land. His fame as a legislator for *originality* and humanity rests on a sure basis—the abolition of the punishment of death for all crimes but murder, (which exception however is known to have been contrary to his opinion.) From the year 1682 to 1717 labour formed an invariable portion of the punishments of those sentenced to our prisons: at this period our mild Penal Code was finally repealed by Great Britain, which had neither the humanity to adopt it, nor the magnanimity to permit its continuance. The decline of this system, until its final extinction in practice, some years before the revolution, proves the negligence of our ancestors. At some future time we may resume this subject, but our present design will not permit us at present to discuss this interesting portion of our history.

A few years before the revolution, the Penal Code with its sanguinary enactments, and the abuses existing in prison discipline, began to attract the attention of some of the humane citizens of Philadelphia; they finally formed a Society on the 7th February, 1776, for the purpose of effecting their be-

nevolent designs. This association, which was called "The Philadelphia Society for assisting distressed Prisoners," after a brief but not useless existence of nineteen months, was dissolved, or rather suspended, by the capture of Philadelphia in 1777. The public mind had been however prepared for the amelioration of the Penal Code, partly by the efforts of the members of this Society; and the first constitution of the State in 1776, ordains in Chap. 2, Sec. 28, that "punishments be made in some cases less sanguinary," and in Sec. 39 punishment by "hard labour" in the prisons is substituted. The law remained a dead letter during that memorable period; and it was not until the year 1786, after the conclusion of peace, that the subject was resumed, and hard labour *enforced;* but these efforts were partial and ineffectual. In the following year, 1787, May 8, some of the surviving members of the Society previously mentioned, and others, reorganized the association under the name of "The Philadelphia Society for alleviating the miseries of public prisons." This useful and unassuming body is the parent of all the societies which have been since formed for similar purposes in Europe and this country. It has perhaps effected more for the *permanent* benefit of mankind, than any of the meritorious charities of this city of benevolence. It has the enviable fame of being the first to reduce the humane and philosophic theory of preventive and reforming punishments, by the *separate* confinement and *instruction* of prisoners, to the unerring test of successful experiment.

Before we describe the actual introduction of *solitary* confinement, as it is perhaps erroneously styled, into our system of legislation, it may be expedient to make a few observations on the history of this interesting department of prison discipline.

As a means of mere effectual seclusion from society and the prevention of further injury by prisoners during the period of incarceration, and as a mode of inflicting vindictive punishment, it has been partially practised in almost every nation from the remotest ages. The Egyptians were accustomed to bury alive in the dark, narrow and secluded cells of some of their vast and secure edifices, which at once served for prisons and for tombs, certain offenders against their laws. These unhappy victims, from the hour when they were immured, until the tedious period when death released them from their lingering misery, never beheld the light of day, never inhailed the fresh air of heaven, and never again beheld the face of man, or heard the consoling accents of his voice. Among the Romans, among the nations of the dark ages, among the

modern Italian republics, and in yet later times, solitary confinement has been *occasionally* practised as one of the most dreadful means of vindictive punishment—a confinement unmitigated, absolute, and inhuman; a confinement at the mere mention of which the philanthropist shudders with horror, and the philosophic reformer turns aside with disgust and reprobation.

The earliest cases of solitary confinement as an *intended means of reform*, may be discovered in the records of ecclesiastical history. All who are familiar with the history of monastic and other religious institutions, will recollect numerous instances in which absolute seclusion, and sometimes mere *separate* confinement, mitigated by the visits of certain members of the religious orders, have been *successfully* adopted as a means of reformation for certain classes of offenders. Voluntary seclusion for the same purpose has been frequently adopted as a penance for offences frequently trivial but sometimes of peculiar enormity. We are too well aware of the shocking abuses which have characterized ecclesiastical discipline, to attempt to bestow any eulogium on a *system* whose history has been so often written in blood—whose occasional benefits have been so largely counterbalanced by cruelty, tyranny and superstition. Nevertheless *it is to Catholic Rome that we owe the first great reform in Penitentiary discipline.* The prison in which it was introduced remained for nearly a century a *solitary* instance of successful benevolence, extended no further in Rome, where it originated, and unimitated in Christendom! The Hospital of St. Michael, (founded in Rome 1718,) was the *first "house of refuge"* in Europe. Mere workhouses, in which the operatives were felons, had indeed been established in other countries; and although in a few of them instruction had been attempted, the corrupting intercourse which was permitted day and night; the mixture of all ages, ranks and sexes, into one corrupting leavened mass of shameless iniquity, rendered the consignment of a juvenile offender to these abodes of sin, a certain sentence of moral death. He who entered their gates a novice in guilt, accomplished his education in villany; and leaving character, shame, independence, and every incentive to voluntary industry and virtue within their walls, departed an adept in crime, ignorant *only of his duties*, prepared to practice at the expense of society those lessons of vice which its folly had forced on his acquaintance, and almost compelled him to exercise as a profession when discharged. Such was the deplorable condition of these colleges of crime, as prisons have been too correctly denominated, when this noble insti-

tution of St. Michael was commenced; the foundations were laid on the firm basis of humanity and sound philosophy. The great evils of idleness were prevented by constant labour during the day; classification to a certain extent, and silence, as far as practicable in an assembly, were enforced; and separate dormitories, or night rooms, for each prisoner, provided: appropriate moral sentiments were inscribed on conspicuous tablets, for the continual inspection of the inmates; and above all, religious instruction was administered.

The scourge was superseded by a discipline mild, steady, vigilant and unyielding. Reformation, and not the infliction of suffering, was the noble intention of this institution. The celebrated maxim of antiquity, which had been allowed to slumber for seventeen hundred years, was now remembered, and for the first time reduced to practice. The inscription on the portal of this asylum in letters of gold contains the sum and substance of the whole system of penal jurisprudence. "Parum est improbos coercere pæna, nisi probos efficias disciplina." To coerce criminals by punishment will be productive of but trifling benefit, unless you make them virtuous by the discipline. An inscription we would have engraved on the entrance of every prison in Christendom.

The benevolent Howard visited this institution, and eulogised it in his account of prisons.* Thus was at once affected all that has been subsequently accomplished by those establishments which are supposed to have only a recent origin —the "houses of refuge," new only in name.

The "*Maison de Force*" at Ghent, was an extension of this plan to adults, as well as young persons; the latter being the sole inmates of the Roman establishment. The structure of the prison at Ghent, permitted a more strict classification; the whip was for some time used but was subsequently prohibited.†

The prison at Auburn in New York, which has scourged itself into notoriety, has not one particle of originality in any essential feature, as many of its advocates in that state, and elsewhere, attempt to persuade the public. It is a mere servile copy of the prison at Ghent, in which latter however, classification is more practised, and the atrocious cruelty which characterizes Auburn is unknown.‡

* See Eave's life of Howard, quarto. Article on Roman Prisons.

† It is singular that in Rome, where few innovations or improvements have been introduced, this great reform occurred during the year when that compound of the genius and benevolence of William Penn, the penal code of Pennsylvania, was repealed by the British government!

‡ See Buxton on prison discipline, 1818—also Howard on prisons, 1784, for an account of this penitentiary.

We shall have occasion hereafter to prove that these prisons in which labour, and solitary confinement by night, are enforced, are superior to those in which that measure had not been adopted—but that great and inseparable defects, render them unworthy of adoption in Pennsylvania.‖

In the year 1779, the celebrated John Howard, (on his return from one of his benevolent tours, in which he had examined numerous prisons in various parts of Europe,) in conjunction with Sir William Blackstone, the author of the commentaries, drew an act which was sanctioned by Parliament, in the preamble of which is the following language: "Whereas, if many offenders convicted of crimes for which transportation has been usually inflicted, were ordered to *solitary* imprisonment, accompanied by well regulated labour and religious instruction, it might be the means under Providence, not only of deterring others from the commission of like crimes, but also of reforming the individuals," &c. This plan was not, however, executed at that time, in consequence of the *perverseness of one of the individuals who was associated with Howard, as a commissioner for erecting a suitable prison.* Howard it is known hastily and injudiciously retired in disgust, and this noble experiment was not tried in England until many years had elapsed. Pennsylvania reaped the glory of first testing the correctness of this philosophic theory.

The Philadelphia Society for alleviating the miseries of public prisons, was the first association which sanctioned the measure, and by a memorial to the Assembly of Pennsylvania, presented in the year 1787, (the first year after the revival of the society,) represented, that the punishment of criminals by hard labour publicly and disgracefully imposed by the act of 1786, was productive of injury; and that they were "fully convinced, that punishment by more private, or even *solitary* labour, would more successfully tend to reclaim," &c.; reasons in support of their opinions are also given, and some recommendations, evidently of a temporary nature, respecting the correction of certain abuses in the prison. The Society on the 14th January, 1788, commenced a correspondence with the benevolent Howard, who cordially approved of their design, and gave the sum of £500 for the purpose of founding a similar institution in England.

On the 20th Nov. 1783, the supreme executive council of this state appointed a committee of their body to confer with a deputation of the society respecting the abuses in prison discipline. We would willingly draw a veil over the horrid

‖ In several prisons in Holland the system of labour and separation by night has been practised for half a century. See Howard on prisons, p. 44.

transactions which the Society were the instruments of Providence in discovering, exposing, and finally in a great measure, preventing. The prison was a perfect pandemonium, rendered only the more conspicuous and revolting, from the contrast with the institutions of wisdom and benevolence which every where surrounded it. It had degenerated even from the imperfect condition of a workhouse, which it had been in the days of Penn, and for some time subsequently. The cruelty, the crimes, the misery and nearly all the abominations which prevailed in the prisons of America and Europe, were the constituent parts of our system.

In this den of abomination, were mingled in one revolting mass of festering corruption, all the collected elements of contagion; all ages, colours, and sexes, were forced into one horrid, loathsome communion of depravity. Children committed with their mothers, here first learned to lisp in the strange accents of blasphemy and execration: young, pure and modest females, committed for debt, here learned from the hateful society of abandoned prostitutes, (whose resting places on the floor they were compelled to share) the insidious lessons of seduction. The young apprentice in custody for some venial fault, the tyro in guilt, the unfortunate debtor —the untried and sometimes guiltless prisoners, the innocent witnesses, detained for their evidence in court against those charged with crimes—were associated with the incorrigible felon, the loathsome victim of disease and vice, and the disgusting drunkard, (whose means of intoxication were furnished unblushingly by the jailer!) Idleness, profligacy and widely diffused contamination, were the inevitable results. The frantic yells of bacchanalian revelry; the horrid execrations and disgusting obscenities from the lips of profligacy; the frequent infliction of the lash; the clanking of fetters; the wild exclamation of the wretch driven frantic by desperation; the ferocious cries of combatants; the groans of those wounded in the frequent frays, (a common pastime in the prison,) mingled with the unpitied moans of the sick, (lying unattended and sometimes destitute of clothes or covering;) the faint but imploring accents for sustenance by the miserable debtor, cut off from all means of self-support, and abandoned to his own resources, or to lingering starvation; and the continual, although unheeded complaints of the miserable and destitute, formed the discordant sounds heard in the *only* public abode of misery in Philadelphia, where the voice of hope, of mercy, or religion, never entered. In this nursery of crime, almost every species of profligacy was practised without punishment, and openly taught without any attempt at prevention—sins to

which the purity of christianity has not attached even a name were nightly perpetrated.

From this abode of moral contamination and of suffering, a few were released from their misery by the lingering pains of hunger, of cold and neglect; several committed suicide; and the frequent and fatal pestilence—the inevitable consequence of filth and crowded apartments—swept off multitudes, to whom the means of education, as well as the lessons of religion, had never been offered—whose dying hours were unimproved—whose beds were attended by no merciful minister of the gospel, urging them to repentance—and bearing the blessed hope of mercy and forgiveness. They departed either unheeded, or surrounded by wretches on whom their awful example produced no reform; from whom their sufferings received no compassion, or any alleviation; the last sigh of the more hardened was breathed out in audacious and shocking defiance, whilst brutal indifference, or agonizing despair, marked the dying moments of many of the tenants of the jail of a christian community.

Those of our citizens who remember the former condition of the prison in Walnut street, can testify to the correctness of this description: it is no overcharged picture of the fancy.

The recent period when these abuses prevailed (1788-9) and the notoriety of their exposure, happily render it unnecessary to repeat the shocking details. We may therefore merely refer our readers to the minutes of the Assembly, of the Society whose efforts we are describing, the "notices" of Mr. Vaux, and to the journals of that period, for more minute information.

Such was also the condition of the prisons throughout the whole of Christendom, with few exceptions. The prisons of Great Britain, as well as her penal code, were extremely neglected.

It was against this enormous mass of evil, sanctioned by the example of all nations for ages, that the Prison Society commenced their efforts. They encountered, as reformers in all ages must encounter, the opposition of the interested, the prejudices of the ignorant, the doubts of the indolent and cautious, and the general apathy or lukewarmness of the public. They were sneeringly told by those who were wise in their own conceit, the half informed sceptics of that day, that "the system then in use was venerable," that "it worked well;" that "reformation was hopeless;" that "the lash was the only panacea for moral evil;" that "mercy and punishment were incompatible;" that "the experiment had been tried and failed;" that "well enough contented *them;*" and

finally, that "these reformers were well meaning visionaries, who were ignorant of human nature;" (implying doubtless that the sceptics were in possession of that knowledge by *intuition*, which the "visionaries," after years of *study* and of *experience*, had not acquired.)

We request our readers to remark the nature of *these objections* which were *then* urged against Prison Reform; they are precisely the same which are now urged, by nearly the same class, against the prosecution of the wise and benevolent plans of Penitentiary Discipline, which the same society, after the study and experience of about forty years, still firmly believes, (in conjunction with the great majority of those who have thoroughly studied this momentous subject,) to be necessary for the success and completion of the Penitentiary system.

The assembly of Pennsylvania, convinced by the arguments of the society, in the year 1789–90, affected a radical change in the discipline of the prison. The convicts were compelled to labour; the sexes were separated; the convicts were separated from the untried prisoners and debtors; suitable food and clothing were provided for them; the introduction of ardent spirits was strictly prohibited, and jail fees and garnish utterly abolished; above all, religious instruction, and as far as possible, a classification of the prisoners, were introduced; conversation was also restrained. The prisoners at that time not being numerous, these arrangements were practicable in the prison; which was however far too limited to test the merits of the system of improvements, which the society was anxious to introduce. The Legislature was not at that time prepared to appropriate a sufficient sum of money to construct a new and perfect prison for the purpose of testing the merits of an untried experiment, however flattering might be the prospects of success. The friends of the new system were willing to test its merits with the imperfect apparatus which alone was at their disposal. These alterations, in conjunction with some others of a minor description, would alone have produced effects highly beneficial; and doubtless a *portion* of the reformation, which most unquestionably was produced by the new system, is attributable to them; but the great object of reform was mainly produced by the celebrated law, enacted by the Legislature of Pennsylvania, April 5th, 1790, by which *separate* and *solitary* confinement was first introduced. In the preamble to that act, it is declared that the previous laws for the punishment of criminals "had failed of success," "from the *communication* with each other not being sufficiently restrained within the places of confinement, and it is

hoped that the addition of *unremitted solitude* to laborious employment, as far as it can be effected, will contribute as much to reform as to deter." In the 8th section it is ordered that "a suitable number of cells be constructed in the yard of the jail of the said county, each of which cells shall be six feet in width, eight feet in length, and nine feet in height; and the said cells shall be separate from the common yard, by a wall of such height, as, without any unnecessary exclusion of air and light, will prevent all external communication for the purpose of confining therein the more hardened and atrocious offenders," viz: those mentioned in this and a former Act.*

In Section 10th, "the residue of the said jail shall be appropriated to the purposes of confining as well such male convicts sentenced to hard labour, as *cannot be accommodated* in the said cells, as female convicts sentenced in like manner, persons convicted of capital offences, vagrants, and disorderly persons committed as such, and persons charged with misdemeanors only; all which persons are hereby required to be kept *separate and apart from each other* as much as the convenience of the building will admit," &c. In Section 13th, "during which labour the said offenders† shall be kept *separate and apart from each other*, if the nature of their several employments will admit thereof; and where the nature of such employment requires two or more to work together, the keeper of the said jail, or one of his deputies, shall, if possible, be constantly present."‡ In Section 21st, for certain offences committed *within the prison*, the jailer is authorized to confine prisoners violating the discipline of the prison in the dark cells, on bread and water, for a short time only; but in the county prisons, the period of inflicting this punishment is unlimited. (Sec. 28.)

We request our readers to observe that the time during which the "hardened offenders" are subjected to solitary confinement in *this* Act, is limited *only* by the duration of their imprisonment—which in Sec. 8, is stated to befor "a term of years."

Section 28. "And whereas it may not at *present* be *practicable* to introduce *all* the above mentioned regulations into *each of the counties* of this state, *although it is necessary that an uniformity of punishment should as much as possible prevail in all*," it was enacted, that in all the other counties the same system should be adopted as much as possible. A per-

*Thirty cells were built pursuant to this act.

† Viz: the convicts sentenced in conformity to this Act.

‡The Legislature evidently intended to place each convict in a separate room, so far as might be practicable; but as this might not always be possible, a few exceptions were provided for: that these cases would be few, the provisions in the law make manifest; *otherwise a keeper would be required for each room or cell*, at an expense which could not have received their sanction.

sonal examination compels us to state, that this law has remained in the county prisons almost a dead letter. Labour, instruction, separate confinement and even classification are almost unknown, and in no solitary instance have they been even moderately attended to. The law had been so long neglected, both in Philadelphia and in the counties, that many are not aware of its existence.

In the Act of April 22d, 1794, (memorable for the abolition of the punishment of death for all offences, excepting murder in the first degree,) Section 9—All felons guilty of crimes previously clergyable, "shall undergo an imprisonment at hard labour and *solitary* confinement in the jail and penitentiary house* aforesaid, for any time not less than six months, and not more than two years," "excepting those cases where some other specific penalty is prescribed by the Act aforesaid, to reform the Penal laws of this state, or by this Act."

In Section 10—Persons convicted of certain crimes, and imprisoned in other counties than Philadelphia, are to be removed to the jail at that city; and in Sec. 11th, certain convicts are to be subjected to solitary confinement for not less than one twelfth, or not greater than half of the term of their imprisonment, and to be kept on low *diet; and as the court may* direct.

In Section 13th, certain offenders are sentenced to "hard labour during life, and shall be confined in the said solitary cells at *such times* and in such manner *as the inspectors shall direct*," &c.; and in the same section, certain other criminals are "sentenced to undergo an imprisonment for the term of twenty-five years, and shall be confined in the solitary cells aforesaid *at the discretion* of the said inspectors."

In this Act also, solitary confinement is inflicted on certain offenders for the whole period of their imprisonment.

In the preamble to the Act of April 18th, 1795, it is stated that "certain parts of the said Act," (the Act above mentioned of 1790,) "have, in their operation, evidently diminished the number of crimes and been highly beneficial in reforming offenders," &c. In Section 1st, the inspectors are authorized "to *separate* and class the different prisoners in such manner as they shall judge will best promote the object of their confinement."

We may observe that the prisoners were not, in any case, to be confined in the cells without intermission, for they were to "be allowed to walk and air themselves for such stated time as their health may require." Section 19 of the act of 1790.

*The term *Penitentiary house*, which is here used *for the first time* in our legislation, is taken from the British laws, in which it is *invariably* employed to designate *exclusively* those prisons in which solitary confinement, *united with labour and instruction*, constitutes the discipline.

Such was the early legislation of Pennsylvania respecting solitary confinement, &c. The benefits resulting from it in practice fully proved the correctness of this theory—although the architectural defects and subsequent crowded state of the prison, prevented an opportunity of fully experiencing all the benefits which might be derived from it, the repeated publications of the Prison Society, and of the inspectors of the prison, and their memorials to the Legislature in the years 1788–94–1800–1–3–13–16–18–19–21–28, &c. bear testimony to the value and efficacy of solitary confinement. It has been repeatedly stated by them that "reformation in the early period of this system occurred among those who were subjected to solitary confinement;† that "reform was in exact proportion to the degree of separation." We might fill these pages with numerous quotations in support of these statements.

This great prison reformation was not confined to Philadelphia: the beneficial results were made known by the prison society, and others, to various influential individuals in the adjoining states, and in Europe: the press teemed with descriptions, comments and eulogies: and finally the Penitentiary system of Pennsylvania was adopted, to an extent, more or less complete and perfect, in several parts of the union. We shall have occasion hereafter to make more minute statements on this subject. Pennsylvania has enjoyed the envied fame, the peculiar merit of first leading the way in the great experiment of Penitentiary Reform. The palm had long since been awarded to her by unanimous acclamation, and we regret that it was reserved for some of her own citizens to be the first to attempt the ungracious task of diminishing her reputation, by a strange and ignorant denial of the success, and even of the existence, of that noble system, of which, until that moment, she had been the admitted founder.

The records of the prison furnish unanswerable proof in corroboration of our statements respecting the efficacy of separation as a means of reform. In the year 1789, *prior* to the introduction of solitary confinement, the number of persons convicted and imprisoned in this jail was 125. During the first year of the new system in

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| 1790, . . . . . | 109 |
| 1791, . . . . . | 78 |
| 1792, . . . . . | 63 |
| 1793, . . . . . | 45 |
| 1794, . . . . . | 92 |

† See Report of the Commissioners of the Penitentiary to the Senate, Jan. 8, 1828 p. 3. See also Vaux's Notices, passim. Also, letters to Roscoe, ditto.

Thus whilst *the population was increasing, the number of crimes was diminishing*. The average during the five years from 1790 to 1794 (inclusive) is about 74 only. During the three years previously it was 109. The prison now became crowded in consequence of the selection of this building as a depot for criminals for the whole state. As those who were thus committed, were sentenced for *longer* periods than the former tenants of the jail, (the importation exceeding the exportation,) it became impossible, in the daily increasing crowds, to maintain that rigid discipline, or to practice that *separation*, or even classification of prisoners, on which the very life of the system depended. Accordingly, a farther examination of the records above mentioned, will show a manifest increase in the number of committals, or that the ebb and flow of crime were exactly in proportion to the degree of separation, or intercourse, among the prisoners. From 1795 to 99 inclusive, the number of committals was 642, or the average for each year upwards of 126. The average for the five following years was 125; for the ensuing five, it had increased to 171; in the following five it continued to increase, the average being *now* 251! In the following five, ending 1820, we observe an *alarming increase*; the annual average being *now* 362!* This increased number of prisoners rendered all partial attempts to enforce separation almost ineffectual; and the Legislature, yielding to the public opinion, which had been loudly and frequently expressed, ordered two Penitentiaries to be constructed; the first, (by the Act of 3d March, 1818) at Pittsburg; the second, (by the Act of 20th March, 1821) at Philadelphia; each of them on the plan of strict unremitted solitary confinement, for every convict admitted within their walls; a confinement united with labour and suitable instruction, mitigated by exercise in the open air when necessary, and to be enforced in buildings better adapted to the purpose than any heretofore constructed.†

* We may observe that the defective discipline was not the sole cause of the increase of convicts. The criminals who had been driven from the state by the fear of the new discipline, were soon induced to return in consequence of the adoption of the Penitentiary system by the adjoining states. The embargo deprived many reckless persons of employment, and above all, the termination of the war of 1812, 13, 14 and 15, inundated our community with hordes of corrupt, lawless, idle desperadoes. Hence, the sudden and alarming increase of convicts may be easily explained.

† The act of 1818 owes its existence chiefly to the zeal and efforts of Thomas Bradford, jr. and John Bacon, Esqrs. of Philadelphia. The former gentleman repaired to Harrisburg at the instance of the Inspectors of the Walnut Street Prison, and his able efforts attracted the attention and sanction of the Legislature so far as to obtain the act authorizing the construction of two prisons, one at Pittsburg, the other at Philadelphia. The former only has been built in consequence of *this act*. The latter was built in pursuance of the act of 1821, for which we are indebted to the active exertions of Samuel R. Wood, at Harrisburg, (whither he repaired at the request of

Pennsylvania, by these instances of her wisdom and munificence, almost atones for that unwise, temporising parsimony, which alone prevented a full, complete and unanswerable demonstration (to which even cavil could not apply) of the regenerating efficacy of her system; a system which has never been abandoned in theory, and which in practice has been persevered in from its origin to the present hour, to an extent limited only by the imperfect plan of the prison in which the system has been commenced.

As it is generally known at the present time, and for some years recently, that the practical effect of the Philadelphia Penitentiary, as an institution of reform, has been diminished, an inference strongly in support of our argument is obvious; for had the system of separate confinement been uniformly and perfectly practiced, whilst reformation among the convicts decreased, and crimes increased, it would have presented the powerful argument of experience against our position; but, as we have already stated, and shall hereafter prove, that reformation and the prevention of crimes, were in exact proportion to the degree of separation, the principles of sound inductive philosophy urge us to proceed in continuing the experiment, under more perfect circumstances.

the Philadelphia Society for alleviating the miseries of Public Prisons.) To the early and well directed labours and intelligence of Mr. Wood, we are mainly indebted for the establishment of the present excellent system of separate confinement, united to labour and instruction. Mr. Bradford was an advocate of solitude without labour; but we believe that he is a convert to the present system, of which (with the preceding exception,) he has been a most zealous advocate and faithful and indefatigable administrator and devisor. The Legislature of Pennsylvania would not, however, change the system of 1790, &c. by abolishing labour in the new prisons above mentioned, but on the contrary, directed in both acts, that "the principle of solitary confinement, *as the same now is*, or may be hereafter *established by law*," be adhered to. (Acts of 3d March, 1818, sec. 1, also of 20th of March, 1821.) The system of labour has never been abandoned either by our Legislature, or by the people, or by the "Philadelphia Society for alleviating the miseries of Public Prisons." A committee of the Senate of Pennsylvania, many years since, made a report recommending solitude without labour. The report was made by a few persons who were not conversant with the history or practice of prison discipline in this or in other states, or in Europe. Their views were at variance with those of the Legislature. Their report was not adopted, but fell still-born from the press, and has been forgotten. The industry of a foreigner who discovered it among the archives of the state, imagined that its visionary and condemned speculations had been sanctioned by the laws of the land. We particularly request attention to the facts above mentioned, in consequence of the frequent *misstatements* respecting our system made in the Reports of the Boston Prison Discipline Society.

In the third section of the aforesaid act of 1818, it was directed "that the said Penitentiary at Pittsburg shall be constructed on the plan exhibited to the Legislature by the Inspectors of the prison of the city and county of Philadelphia." This plan exhibited a small yard to each cell for the purpose of exercise, &c. The plan was by no means perfect, but the alterations which the Commissioners illegally ventured to make, so far deteriorated it, that it has recently been expedient to pull down all the cells in the interior and to construct ranges of cells according to the plan of the Eastern Penitentiary, at Philadelphia.

The progress of our Penitentiary system, and its extension in practice in Pennsylvania, and elsewhere, since the period when these essays were first printed, (1829) will be described at the conclusion of this pamphlet. (1833.)

Such has accordingly been the wise resolution of our consistent Legislature. Nevertheless we are now seriously asked by several individuals, after all that has been done; after all our preparations have been nearly completed; after nearly all the cost of the requisite apparatus has been incurred; after all the experience in America and Europe, we are actually requested to *abandon all our fondly cherished improvements, to retrograde in the science of punishments*, by adopting a plan, which, even its advocates admit, produces no reform, and which, as we subsequently will endeavour to prove, must occasion inevitable injury.

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## No. II.

In the last number we endeavoured to trace the history of solitary confinement from its origin to the period of its introduction, improvement, and partial suspension, in Pennsylvania. We also alluded to the measures adopted for its revival, perfection and extension by the zeal of the Prison Society, the Inspectors of the prison, and many of the most benevolent and intelligent citizens of the commonwealth whose labours were crowned with success by the act of 1818, authorizing the erection of the great western Penitentiary at Pittsburg. In this prison solitary confinement for the *whole period of the imprisonment of every inmate* was ordered. The same system was adopted in the Act of 1821, authorizing the erection of the Eastern Penitentiary at Philadelphia.

Some difference of opinion prevailed respecting the expediency of continuing the plan of labour which had been establised by *law* from the earliest commencement of the system of Penitentiary discipline in Pennsylvania. *A few individuals alone* were desirous to exclude labour in order to increase the severity of the confinement. These persons were conversant with the condition of the Walnut street prison only in the latter and corrupt era of that degenerate institution, when labour almost wholly ceased to be performed in the solitary cells.

The Inspectors of this prison were not always selected from that portion of our citizens who were familiar with the history or mode of conducting prison discipline. Political partisans often obtained this responsible office as a reward for their toils. When this prison became crowded with inmates, it was of course impracticable to enforce the system of separate labour, not merely in the main edifice but also in the cells.

With the occasional exception of picking oakum and a few similar employments, labour ceased to be performed in them. Hence, the structure of the cells was altered; the large windows originally placed in them, were blocked up, as they were no longer deemed to be necessary. A dim light was now thought to increase the terrors of confinement, and many of the cells ceased to be permanently occupied in consequence of the expense of maintaining prisoners in them in idleness. Nevertheless the few inmates who were now subjected to this altered and imperfect discipline were carefully instructed in their religious duties, and they constituted almost the only class of convicts who exhibited any evidences of permanent reform in the institution. Hence, many of the Inspectors who had witnessed the partial benefits of this imperfect system, and who were practically conversant with none more advantageous, were anxious to test its advantages in a new, a more extensive and suitably constructed edifice, to be devoted solely to this purpose. They were unacquainted with the superior system which had been long tried and which was then in successful operation in Great Britain and elsewhere; (viz. "separate confinement with labour;") some of the more intelligent Inspectors however wished to introduce, or rather to revive *this latter system (which the law of Pennsylvania enacted in* 1790 *had established;)* the efforts of Samuel R. Wood and John Bacon, Esqs. were distinguished by a spirit of benevolence, zeal and intelligence. They united with the Society for alleviating the miseries of Public Prisons (of which they were influential members) in advocating the system which this Society had sanctioned for forty years with uniform approbation—a system from which they have never swerved for a moment, notwithstanding the statements which have been made by several uninformed individuals to the contrary.*

We regret that the slight and temporary difference of sentiment on this subject, has afforded an opportunity to some individuals to cavil at and misrepresent the whole system;

* The Society have deemed it expedient even recently to notice this mistake. In the Report of the Acting Committee published by order of the Society, January 1, 1833, page 8, is the following statement. "A fair trial was not and could not be made in a prison so defective in all the requisites necessary to a complete supervision and separation of the prisoners, as the jail in Walnut street; but so much was accomplished that no doubt remained that in a penitentiary properly constructed, the system would succeed. The Society, therefore, repeatedly called the attention of the legislature to the necessity of erecting suitable buildings, in which the solitary, or separate confinement of the prisoners, with labour, could be properly carried into execution."

"See the memorial of the Society to the legislature of 14th of December, 1801. Joint memorial of the inspectors of the prison and of the Society, 25th January, 1803. The memorials of the Society of the 12th of January, 1818—22nd January, 1821, &c.

"*The Society have never advocated a system of total seclusion from all intercourse, nor of confinement without labour.*" (1833.)

we therefore think it expedient to describe the plan in which the great majority concur. We have authority to state that at *present* the majority of the Inspectors and prison commissioners concur with them in opinion.

We proceed to describe first, the prisons at Philadelphia and Pittsburg, and second, the discipline which we believe will be established in them. A reference to the annexed engravings will render a brief description only necessary.

The Eastern State Penitentiary is situated on one of the most elevated, airy, and healthy sites in the vicinity of Philadelphia. Large sums have been expended for the purpose of giving an unusual degree of solidity and durability to every part of this immense structure, which is the most extensive building in the United States. The ground occupied by it, contains about 10 acres. The material with which the edifices are built, is a grayish granite, or gneiss, employed in large masses; every room is vaulted and fire proof. The design and execution impart a grave, severe, and awful character to the external aspect of this building. The effect which it produces on the imagination of every passing spectator, is peculiarly impressive, solemn, and instructive. The architecture is in keeping with the design. The broad masses, the small and well proportioned apertures, the continuity of lines, and the bold and expressive simplicity which characterize the features of the façade, are most happily and judiciously combined. The originality of the plan, the excellent arrangement and execution of the details, display the taste and ingenuity of the architect, to whom our country is indebted for some of her noblest edifices—our fellow citizen, Mr. John Haviland. The total cost of this building when finished, will be four hundred and thirty-two thousand dollars.* We are not advocates of inconsistent or meretricious decoration, but we may express our gratification that no unwise parsimony rendered the aspect or arrangements of this institution an opprobrium to the liberal, humane, and enlightened character of our commonwealth.

This Penitentiary is the only edifice in this country which is calculated to convey to our citizens the external appearance of those magnificent and picturesque castles of the middle ages, which contribute so eminently to embellish the scenery of Europe.

The front of this building is composed of large blocks of hewn and squared granite; the walls are 12 feet thick at the base, and diminish to the top, where they are $2\frac{3}{4}$ feet in thick-

* In pursuance of the act of 1831, the number of cells has been increased. The total cost will probably be $560,000. (1833.)

ness. A wall of thirty feet in height above the interior platform, encloses an area 650 feet square: at each angle of the wall is a tower for the purpose of overlooking the establishment; three other towers, which will be presently described, are situated near the gate of entrance. The façade or principal front, is 670 feet in length, and reposes on a terrace, which, from the inequalities of the ground, varies from 3 to 9 feet in height; the basement or belting course, which is 10 feet high, is scarped, and extends uniformly the whole length. The central building of the façade is 200 feet in length, consists of two projecting massive square towers 50 feet high, crowned by projecting embattled parapets, supported by pointed arches resting on corbels or brackets. The pointed munnioned windows in these towers contribute in a high degree to their picturesque effect. The curtain between the towers is 41 feet high, and is finished with a parapet and embrasures. The pointed windows in it are very lofty and narrow. The great gateway in the centre is a very conspicuous feature; it is 27 feet high, and 15 wide, and is filled by a massive wrought iron portcullis, and double oaken gates studded with projecting iron rivets, the whole weighing several tons; nevertheless they can be opened with the greatest facility. On each side of this entrance, (which is the most imposing in the United States,) are enormous solid buttresses diminishing in offsets, and terminating in pinnacles. A lofty octangular tower, 80 feet high, containing an alarm bell and clock, surmounts this entrance, and forms a picturesque proportional centre. On each side of this main building (which contains the apartments of the warden, keepers, domestics, &c.) are screen wing walls, which appear to constitute portions of the main edifice; they are pierced with small blank pointed windows, and are surmounted by a parapet; at their extremities are high octangular towers terminating in parapets pierced by embrasures. In the centre of the great court yard is an observatory, whence long corridors, eight in number, radiate; (three only of these corridors, &c., are at *present* finished.*) On each side of these corridors the cells are situated, each at right angles to them, and communicating with them only by small openings for the purpose of supplying the prisoner with food, &c., and for the purpose of inspecting his movements without attracting his attention; other apertures, for the admission of cool or heated air, and for the purpose of ventilation, are provided. A novel and ingenious contrivance in each cell,

* Four of these blocks have since been added; they are two stories high, and have doors opening towards the corridor, and in the lower stories there are doors towards the yard also. Both stories are lighted from the top, and the cells are larger. (1833.)

which has been frequently described, prevents the possibility of conversation, preserves the purity of the atmosphere of the cells, and dispenses with the otherwise unavoidable necessity of leaving the apartment, except when the regulations permit: flues conduct heated air from large cockle stoves to the cells. Light is admitted by a large circular glass in the crown of the arch, which is raking, and the highest part sixteen feet six inches above the floor, (which is of wood, overlaying a solid foundation of stone.) The walls are plastered and neatly whitewashed; the cells are 11 feet 9 inches long, and 7 feet 6 inches wide: at the extremity of the cell, opposite to the apertures for inspection, &c., previously mentioned, is the door way, containing two doors; one of lattice work, or grating, to admit the air and secure the prisoner, the other composed of planks to exclude the air, if required; this door leads to a yard (18 feet by 8, the walls of which are $11\frac{1}{2}$ feet in height) attached to each cell. The number of the latter in the present plan is only 266, but it may be increased to 818, without resorting to the addition of second stories. We have had an opportunity of examining many prisons, and other similar institutions in Europe and this country, but we have never seen a building so admirably adapted to the purposes of security, seclusion, health and convenience, as this penitentiary. The rooms are larger, viz. containing more cubic feet of air, or space, than a great number of the apartments occupied by industrious mechanics in our city; and if we consider that two or more of the latter frequently work or sleep in the same chamber, they have much less room than will be allotted to the convicts; whose cells, moreover, will be more perfectly ventilated than many of the largest apartments of our opulent citizens.

The convict on his entrance, after the customary examination, ablution, medical inspection, &c. is clothed, blindfolded and conducted to his cell, where he will remain locked up; and after a patient and careful inquiry into his history, and the delivery of an appropriate address to him on the consequences of his crime, and the design to be effected by his punishment, he is to be abandoned to that solitary anguish and remorse which his reflection in solitude must inevitably produce. Every means which have been devised by philanthropy and experience for effecting reformation will be zealously applied. The labour in which the convict will be employed, is considered as an alleviation, not an aggravation of his sentence. Labour prescribed as a *punishment* is an error in legislation, founded on an ignorance of the feelings, the desires and antipathies, the habits and associations of mankind: the

tedious hours spent in solitude will be a punishment sufficiently severe, without rendering the infliction of hard labour, for this cause, necessary. The want of occupation will produce a feeling of tedium or irksomeness—the state of mind in which labour or employment will appear to the convict—perhaps for the first time in his life, as a means of preventing uneasy feelings, of producing relief and pleasure; and as the powerful influence of association is acknowledged, this beneficial feeling will become habitual, and after the discharge of the convict from his durance, will be a most effectual safeguard from the temptations of idleness. Accordingly persons duly qualified will be employed to teach the prisoner suitable trades, and to instruct him in religion, and in the elements of learning. The prohibition of all intercourse with society, is not therefore, to be continual; the visits of the virtuous cannot injure, and must benefit the majority of the prisoners, between whom, *alone*, all communication is to be rendered impossible. The degree of seclusion to be practised, or of labour and other alleviations permitted, may be varied with the varying dispositions of the prisoners. Regular exercise in the yards, in the open air, will be permitted, and required when necessary; provided that no two adjoining yards be occupied at the same time, for the purpose of preventing conversation.

Such is a brief outline of the system: the numerous details will be introduced hereafter, with more advantage, when we shall have occasion to argue its merits.

The Penitentiary for the western district at Pittsburg is surrounded by an octangular wall, with towers at four of the angles. The front wall of the building constitutes part of the dwelling for the keepers. The cells are arranged in two concentric circles, back to back, with a circular corridor on the inner and exterior periphery.*

We have already mentioned that the *Dutch* plan of joint labour during the day (intercourse by language, or signs, being repressed as far as possible; separate confinement at night and religious and other instruction administered)—is greatly superior to the plan pursued in the prisons in Europe and America *generally*, in which these improvements have been but partially introduced. The evils existing in the unimproved prisons are too well known to require further comparison between them, and these on the Dutch plan, which have been introduced at Auburn and Sing Sing, in the state of New

*The residue of the description is omitted in consequence of the recent alterations. These cells have been pulled down, and three blocks (similar to those above described in the Eastern Penitentiary) radiate from a point near the front building. (1833.)

York—not only without acknowledgment—but with the ignorant pretence of *entire originality!* The deception has been so long practised that many of our citizens have acquiesced in their claim, in the absence of other evidence than the incessant assurance of the supposed inventors. (See the letter of G. Powers to Messrs. King and Wharton, 1829, Harrisburg; also, Howard on prisons p. 44. Same passim. Buxton on Prisons—description of the Ghent penitentiary or Maison de force.)

We will endeavour to prove that errors prevail not only in relation to the *origin* of this system, but also respecting its *operation.* The causes of this misconception may be ascribed, not merely to the complacent publications of those who are the administrators of the system, but to the hasty and imperfect examinations, or rather transient glances, of those who have visited and described the prisons at Auburn and elsewhere. Few are qualified to examine and ascertain the merits and defects of these institutions. Individuals possessing talents and *general* information, may readily be deceived in their opinions respecting prison discipline, which is a branch of pure experimental science. Few feel any interest in the subject; fewer have access to the numerous books and voluminous documents, which contain the prodigious mass of facts and opinions on which the system is founded (which must be perused and minutely digested,) and few possess the leisure or the opportunity to personally examine the numerous and widely differing institutions of Europe and America, whence the elements necessary for the solution of this great problem are derived.

We are not therefore surprised at the existence of the erroneous opinions entertained and expressed by many who have visited Auburn. That prison, when contrasted with those on the old system, which still continue to disgrace the United States, is *comparatively* excellent; and therefore, for very obvious reasons, has been overrated. Some of our readers may recollect the glowing descriptions of similar prisons in Holland, by British and other travellers: they contrasted them with those existing in their own countries. Where so much improvement *had been effected*, their benevolence and enthusiasm led them to suppose that *nothing remained undone:* hence their descriptions are too frequently exaggerated. A personal examination of the most celebrated of the prisons of the Netherlands strongly impressed us with this opinion.*

*The same remark will explain the extravagant and undeserved praise, which, for many years, was bestowed on the Walnut street prison; which, even in its best condition, was far inferior to the prison at Gloucester, in England, and other more recent institutions in Europe. This will be proved in our subsequent account of foreign prisons. (1833.)

Some of the causes of error which we have previously mentioned, united with an ignorance of our legislation, and of the origin, progress and contemplated alterations, in the *practice*, of our Penitentiary system, have also produced among some persons, a total misconception respecting the theory of solitary or *separate* confinement.

Those errors have been propagated not only by persons whose mere want of information has led them into error, but also, by those, who, however incapacitated by nature or education, dogmatise on *every* subject with ignorant assurance, and, reckless of the consequences, presume to instruct our citizens by mischievous publications, replete with prejudice, vehement accusations and misstatements. Repeated refutation and exposure, are not sufficient to repress their restless activity. The efforts however of anonymous or obscure individuals, cannot prevent the continuance, or even arrest the progress and improvement of the great system of Pennsylvania.

An attempt more dangerous than those which we have described, has been made by three individuals, who were appointed commissioners to revise the Penal Code of this state. A report, in which the *abandonment of our system* and the adoption of the Dutch or Auburn plan is recommended, has been presented by them to our Legislature, and read in the Senate on the 4th of January, 1827.

In the 5th page of this report they state that "pains have been taken to arrive at correct conclusions," that their errors "have not been the result of careless or prejudiced examinations;" they also mention their "careful research into facts and experience; a patient examination and comparison of testimony, and an anxious consideration of theories and arguments. Impressed with this conviction, we have earnestly sought after information from *every* quarter of our own country and of Europe; we have *personally examined* several of the Penitentiaries in the United States, and we have consulted *all* the publications, to which we could obtain access"—and their time, they "trust, has not been *unprofitably* employed," that they "have spared neither *labour* nor *expense*," (p. 6.) "In order to ascertain how far our opinion and conjectures were supported by *facts*, we have taken some pains to collect *all the information that is extant* in point on this subject," (solitary confinement,) "and to make the necessary inquiries of persons conversant with prison discipline, and shall proceed to lay before the Legislature *such* testimony as we have obtained." (p. 33.) In numerous parts of the report they refer to their information, derived from books, from "all the superintendents with whom they have conversed," and they men-

tion their own experience. In p. 70, they speak of their *minute personal examination of the prison at Auburn*—of their inspection of the prisons of New York and Philadelphia, &c. We might multiply quotations of this description in which the Commissioners endeavour to impress the public with a reliance on their industry, their zeal, their *impartiality*, and their knowledge. We shall now endeavour to show that the very *reverse* of all these characteristics pervades the Report, and renders it a most unsafe guide for public opinion. We shall endeavour to show that their information has been derived from *few* sources; and that their prejudices have induced them to overlook or disregard the numerous authorities *opposed* to their theory; or to quote from a few of them, almost *exclusively* those *detached* portions which seemed advantageous for their argument; that they have disregarded not merely the text books on Penitentiary Discipline, but, what is more *extraordinary*, have denied, not merely the *enforcement*, but the very *existence* of the plain *laws in our Statute book!* All of the committee have been members of the bar, and two of them are on the *bench!* Their exhibition of seeming impartiality consists in quoting almost every authority (however inconsistent, or partial, or destitute of credibility) with approbation, if in their favour; and in mistaking, or garbling, or refusing credit to the statements of the numerous intelligent and excellent men who differ from them in opinion. Hence in stating the conflicting arguments, many of the most powerful, the most obvious, and the most frequently urged by their opponents, have been *entirely omitted.* Weak positions, which have been long totally abandoned, and many which have never been held by any rational body of men, have been industriously sought and conspicuously paraded with apparent impartiality, only to be triumphantly refuted, and thus to excite a prejudice against the real merits, the impregnable strong holds of the argument.

Hence all the evils which by any possibility could result from solitary confinement, are stated almost as necessary and inevitable results. The question of *probability* is disregarded, and the *exception*, instead of the rule, presented to our attention, as the foundation of our future legislation.

Had this report been the production of mere legal counsel assailing or defending a cause in which they had been retained, little injury could be the result; but when it is presented as the production of learning, of experience, and of impartiality, some examination of its pretensions may be expedient.

*We* do not intend to attach the slightest censure to the *motives* of the Commissioners, unless the *prejudices* which we have

mentioned may deserve reprobation. We will submit the facts for the decision of our readers. These strictures may appear harsh, but a careful examination of our subsequent statements will establish their justice.

The report is attributed to one of the Commissioners, (a distinguished member of the Philadelphia bar,) whose talents and character have universally commanded the highest respect. The previous productions of his pen have deserved the general commendation which they have received. The present report is the only essay of that gentleman which we have seen without pleasure and perused without benefit. If the numerous avocations of the writer had not deprived him of the leisure requisite for a thorough investigation of his subject, we are confident that the conclusion to which our Commissioners have arrived would be more satisfactory.

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## No. III.

As we do not intend these essays as a mere criticism on the Report of the Commissioners, but as an examination of the question of "separate confinement," we will proceed to state some of the usual objections to our system, and when discussing these objections, will have frequent occasion to refer to the Report, under the abbreviated title of Com. Rt.*

1. We have had no experience of the benefit resulting from solitary confinement in Pennsylvania.

2. The experiment has been made in Maine, Massachusetts, New York, New Jersey and Virginia—the result has demonstrated the inefficacy of this punishment, which has consequently been abandoned in several states.

3. The experience of Europe and the opinions of some of her eminent citizens are adverse to this system.

4. As a punishment it is unequal, cruel, destructive to health and to habits of industry, and productive of madness.

5. As a means of reform, it is either inoperative or inferior to other means.

6. The execution of this system is attended with enormous expense.

There are numerous other objections, which may perhaps be included as ramifications of some of the preceding divisions, and will therefore be examined when we discuss them hereafter.

*In our extracts we will mark in italics the parts to which we particularly request our readers' attention.

1. "*We have no experience of the benefit resulting from solitary confinement in Pennsylvania.*"

This error has been industriously propagated by some citizens of Boston and New York, who are advocates of the Auburn or Dutch plan; *their ignorance* is, if not entirely excusable, capable of palliation; but we cannot extend our forbearance to the Pennsylvania commissioners, who, being members of the legal profession, ought not to be ignorant of plain and well known provisions of the acts of the Assembly; nor as judges of criminal courts to manifest to the world their ignorance of the practice of prison discipline.

In p. 17, Com. Rt. they state that no "provision was made, however, for any general system of solitary confinement, nor even for the solitary confinement of any class of criminals, *during the period of imprisonment: all* that appears to have been contemplated, was solitary confinement, for a greater or less term, according to the sentence of the court, and the subsequent return of the offender to the society and intercourse of the convicts."

In order to maintain this strange and *novel* allegation, certain *detached* portions of the laws of 1790-4-5, are quoted. Our readers may perhaps recollect the similar process by which a fanatic discovered a scriptural warrant for suicide, viz: "and Judas went out and hanged himself,"—"go thou and do likewise." A similar mode of interpretation has been applied to our statutes by the commissioners; several of the most important phrases, and the preamble *expressly declaratory of the benefits of solitary confinement, have been omitted* by them, in their statement of the acts of the Assembly on this subject. We refer our readers for unanswerable proof of our assertions to the statute books, or to the extracts taken verbatim from them, which were published in our last number.

Again, in p. 17, Com. Rt. "the size of the cells which the act of 1790 required to be constructed, seems to negative the idea of their being intended for the separate confinement of individuals:" had the Commissioners *read all the sections of* the Act in question, this mistake could not have been committed—the intention of the legislature is not a matter of *inference*, it is *distinctly*, repeatedly and unequivocally stated to be the infliction of solitary confinement in these cells. Again, in p. 17, Com. Rt. "the cells in the *Auburn* prison are *only* 7 feet long, 7 high, and $3\frac{1}{2}$ wide; and are sufficiently capacious for the intended purpose." The area of the cells at Philadelphia, according to the directions of the Act, was to be *more than twice* this size. If the cells in "Auburn prison, in which place the experiment of solitary confinement

was fully tried," as the Commissioners have elsewhere mentioned, were sufficiently large, by what species of reasoning do they arrive at the inconsistent conclusion, that the size of the cells in Philadelphia "negatives the idea of their being intended for the separate confinement of individuals?" In page 15, Com. Rt. they quote from a memorial of the Inspectors to the Legislature (1820, Senate Journal, p. 335) testimony respecting the excellence of the Philadelphia prison, "at a period when solitary confinement was not *spoken* of, except to enforce the prison discipline"—as the Commissioners state, p. 15, Rt. They omit to quote that "very many" of these "beneficial results flowed from the system" of solitary confinement, recommended in this memorial. If our readers will peruse the authorities quoted, or those to which we referred in our last number, they will be convinced, beyond the possibility of doubt, not only that solitary confinement was authorized by law, for the whole "*period of imprisonment*" *of some convicts*, but that it was enforced in practice, to an extent limited only by the number of cells. Mr. Vaux states (in his "Reply to two letters of William Roscoe, Esq." p. 7,) that frequently convicts on their admission, have been conducted to their solitary cells, *and remained there until their discharge* from prison. Similar statements have been repeatedly made by the inspectors and members of the Prison Society—not only respecting the *existence* of this entire and continual separation, but also respecting the benefit which has resulted from it. We could fill these columns with extracts corroborating our statement.

The benevolent Lowndes, in his account of this prison, February, 1793, gives the following testimony respecting the effect of solitary confinement in that institution. Out of nearly two hundred persons who at different times have been recommended to, and pardoned by the governor, only four have returned," or been recommitted to this, or as is believed, to any other prison;—the punishment inflicted in these cases was solitary imprisonment, on their re-committal.

Such has been our legislation, (and practice also, until the crowded state of the Walnut Street prison impeded the full operation of the laws.) The experiment has been sufficiently tried, to convince the great majority of our reflecting citizens—the inspectors and commissioners of our prisons—and the benevolent and experienced members of the Society, which we have frequently named, (which has anxiously and unremittingly watched over the system from its birth, about forty years since, to the present hour,) that the principles of sound inductive philosophy urge us to proceed in continuing

the experiment under circumstances far more favourable to success than have previously existed.

In our next number we will enquire the result of the experience of other states, which our readers will recollect was the second division of our subject. We will expose errors on this subject in the report of the Commissioners, &c. equally monstrous and more dangerous than those which we have examined.

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## No. IV.

We proceed to notice the second objection which was mentioned in our former number, viz: "The experiment of solitary confinement has been tried in Maine, New York, Massachusetts, New Jersey and Virginia; the result has demonstrated the inefficacy of this means of punishment, which has been consequently abandoned in several states."

In our last number we proved that solitary confinement had been tried with success in Pennsylvania—a success limited only by the extent of the requisite accommodations in the prison; and that increased and perfect confidence in its efficacy continued to be entertained by those who were conversant with the operations of the system.

We will now endeavor to prove that the experiment has not been fairly tried in the several states, which we have mentioned in the first paragraph of this number; that the species of confinement was totally different from that contemplated in this state.

We sincerely regret that our duty now compels us to describe experiments characterized by a diabolical cruelty and inconsiderate folly; we blush for the character of our country, which permitted, even for a moment, the perpetration of such revolting outrages upon humanity, religion, and common sense, as the experiments which have been made in some of the states above mentioned—experiments not to test the efficacy of a proper system of solitary confinement—but to ascertain how much physical and moral torture could be inflicted without necessity and endured without benefit.

"In Virginia, the system of solitary imprisonment, without labour, has had a full trial;" Com. Rt. p. 47. An appalling account of the diseases of the mind and body, produced by such incarceration, is triumphantly stated by our Commissioners; they have, however, neglected to notice the facts *which were in their possession*, clearly explaining the undoubted causes

of these diseases. They have repeatedly quoted from the second annual report of the Boston Prison Discipline Society, whenever the evidence or opinions were in their favour: we will therefore cross examine their witness. In page 134 of that report, it is stated that the "diseases most prevalent are dropsy and *consumption of the lungs*, terminating in death, generally during the winter. The spring, *summer and autumn are generally healthy*," as stated in a letter from the superintendent of this penitentiary. In page 133, is the following description of the living sepulchres in which a lingering death is inflicted—in which the "full trial of our system" is made! "The solitary cells are arranged in the basement story; and the side of the passage leading to them towards the interior yard, consists of a solid brick wall. In entering the solitary cells through this passage from the yard, it is necessary to use a candle or torch. In the cells arranged on the side of this dark passage, the convicts who are generally condemned for the first six months to solitary confinement, generally receive this part of their punishment. It is very severe, for the cells are *dark* and *damp* and cheerless. A small sash, placed above the prisoner's head admits a faint light; *the water stands in drops on the walls in damp weather, and no provision is made for warming the cells at any season of the year.* The instance has occurred in which a prisoner's feet were frozen while enduring his term of solitary confinement in one of these cells. There are some of the cells in this prison designed for solitary confinement, which have no *window or orifice for the admission of light, and the only ventilation is a small orifice in the door opening into the dark passage.* The superintendent, Samuel O. Parsons, says in a letter concerning the effect of solitary confinement in the first class of cells, which are far less dismal than the last—I consider it under the present laws, imminently dangerous to the health, and of course to the life, of some of the convicts. There are some whose constitutions are not injured, but they are comparatively few in number." In page 137, it is stated that "the instruction is almost nothing. No provision is made either by the state or by benevolent individuals, for even one religious instruction on a Sabbath, and sometimes months together have elapsed without a religious service of any kind."

Such is the admirable apparatus with which our Commissioners state that "a full trial" of the great experiment of solitary confinement has been made in Virginia. When such have been the excellent means of promoting the comfort and instruction, and consequently the health and reformation of the inmates of this penitentiary, our Commissioners judicious-

ly infer that "they sufficiently, we think, sustain our proposition that the system of solitary confinement without labour is likely to produce either bodily or mental infirmity in its subjects." Com. Rt. p. 48. This general conclusion is however, not founded exclusively on the results of this prison. We shall presently examine the remaining cases relied on for the support of their position, and we will prove them to be equally inapplicable; in the mean time we will observe, that, notwithstanding the unfavourable condition of this prison, the superintendent, (whom our Commissioners justly style "the intelligent superintendent") gives the following evidence in our favour; "there is perhaps no punishment that can be devised, better calculated to keep vice in check, than solitary confinement." Com. Rt. p. 48. He also states, that close and uninterrupted confinement *without employment* will be injurious to the health of the majority of convicts. "To confine for limited periods, and then associate them together, will destroy all the moral effect the confinement has had on their conduct—to confine *separately and to work* at the same time, (by which the health is preserved) is perhaps the best plan," &c.: he thinks that such labour would be unprofitable, but in this case does not speak from experience.

We regret to state that this penitentiary so long continued to be tolerated in a christian land. The old dungeons of the Inquisition in Rome, presented to our view when we visited them, rooms more commodious than the dismal cells in Richmond.

The experiment of solitary confinement without labour, has been tried without success in Maine, according to our Commissioners. Com. Rt. p. 43. Had they in this case also, stated the evidence which was in their possession, respecting the circumstances attending the trial of the experiment, it would not now be necessary for us to quote again from the Boston Report, p. 81, the "cells are pits, entered from the top, with a small ladder, through an orifice about two feet square; the ladder is removed when the convicts are in the cells. The orifice is secured with an iron grate used as a trap door. The only other orifice in the cells are, one in the bottom, about one and a half inches in diameter, to admit warm air from underneath, which is heated by a furnace; and another in the side of the cell about one and a half by eight inches. This orifice has an angle in the wall to prevent the convict from seeing any person without. The cells are eight feet nine inches long, four feet and six inches wide, and nine feet eight inches high;" a wooden shed covers the whole. p. 84. "Many of the convicts sent to the state prison were,

*at the time of their arrival there*, afflicted with *diseases*, and some with *incurable diseases.*" Our readers will not therefore be surprised to learn in consequence of the small size, the filth, want of ventilation, and oppressive heat in the summer, of these cells, combined with a total seclusion from society, and a deprivation of all exercise or labour, that the health of the "incurables" was not *promoted*—and that many additional diseases were the result.

The means adopted to produce reformation, harmonized admirably with the system for ensuring health. No religious services were performed, no lessons of instruction administered, no measures of kindness, benevolence or expostulation, attempted; the prisoner, tortured by suffering, either sunk under his misery or, brooding over his wrongs, meditated on his revenge when released; in which resolution some were undoubtedly confirmed by the *conversation they were enabled to maintain with their friends without the prison*, by means of the small lateral apertures in the cells, which we have previously described.

Hence the Legislature of Maine, failing in an experiment, (in which absurdity and inhumanity were the only essential elements)—deemed it expedient, *not to correct their blunders, but to abolish the system*—nevertheless, solitary confinement is still resorted to, *as a means of enforcing the discipline* of that penitentiary. The parsimony of that state deserves unqualified reprobation. They have after pretending to try solitary confinement, retrograded in improvement, and returned to the old corrupt, demoralizing system in which a prison is regarded as a mere factory, in which the operatives are felons, of all descriptions, herded together without classification or the hope of reformation. We shall hereafter endeavour to prove that this avaricious, parsimonious policy is the reverse of real economy, that it occasions an extravagant ultimate expenditure immeasurably exceeding the paltry nominal reimbursement received from the convicts.

The experiment tried at Auburn, in New York, is the next instance relied on by our opponents. (Com. Rt. p. 44 to 47.) How "fully" it was tried will appear from the following facts. A selection of "the oldest and most heinous offenders" in the Auburn prison was directed to be made by an act of the Legislature of that state, passed April 2d, 1821. Mr. Powers, the superintendent, states, "that in forming the class, on whom the experiment was to be made, the *worst* men were selected." The cells in which they were immured are thus described in the Boston report (to which we have previously referred.) p. 111. "The cells are *seven* feet long, *seven* feet

high, and *three and a half feet* wide. The *only opening* from the cell, except the ventilator, is the door, in the *upper* end of which is an iron grate, about 18 by 20 inches," "through this grate *all the light, heat and air* are admitted to the cells. The ventilator, which is about three inches in diameter, extends from the back of the cell to the roof of the building."

In the 63d p. Com. Rt. we observe the following remark in relation to the purity of the air: "a current of air is created running from the warm halls through the cells and ventilators, which brings into the cells a constant succession of fresh air, and carries off the effluvia generated in each." Any person conversant with physics will perceive that no adequate ventilation can be effected by the clumsy arrangement above described, a partial stagnation of the air in that part of the cell, *below* the apology for a ventilator, which is in the *upper* part of the door, must inevitably occur. The effluvia constantly generated from obvious causes in these narrow cells, are increased by the exhalations from certain indispensable pieces of furniture, which are placed there to prevent the necessity of egress from the apartment.

These cells at *present* (as solitary confinement during the day has been abandoned) are daily aired, (the doors being opened during the day for that purpose) and frequently cleansed. Nevertheless, when the prisoners leave them in the morning, the *mal' aria* is intolerably noisome and disgusting. This fact is not only in accordance with probability, but it has been ascertained and stated by a benevolent philanthropist of this city, whose means of information were derived from repeated visits to the Auburn prison. As we shall have occasion to refer to his evidence hereafter, on other subjects, we will remark, that few, if any, persons in this country have paid more attention to the subject of prison discipline than our fellow citizen, Samuel R. Wood, whose active benevolence and well regulated zeal has induced him to visit and *closely investigate* the condition of numerous prisons in Europe and in the United States. His general information, his extensive experience, his discrimination and his candour, render his evidence peculiarly valuable. We fear that even this passing allusion to his character by one of his friends, may offend the delicacy of a gentleman whose merit is only surpassed by his modesty.

Mr. Wood and Thomas Bradford, jr. each of them inspectors of our Penitentiary, visited Auburn at different periods, in the year 1827, for the express purpose of *thoroughly* examining that institution; they were occupied an aggregate length of time, amounting to six days, (or three days each,) within

the prison; *twice as many days as our Commissioners spent hours!* Auburn had never before been subjected to such severe scrutiny and exposure; it was now inspected by men on whom deception could not be practiced; men whom a transient glance, a bird's eye view, would not satisfy. Every part of the building was carefully inspected. The prisoners were subjected to a minute cross examination; *separated from their jailers and fellow convicts;* their answers were recorded and compared, not only with other testimony of convicts, but with circumstantial evidence. The result has been a complete demonstration that the boasted system of Auburn has been a failure, unequivocal and irreparable; that it has been indebted for its exaggerated reputation to the causes which we mentioned in our last number; *that verbal and other communications exist among the convicts, (notwithstanding all the assurances to the contrary) not only at night when in the cells, but during the day when they are together in the workshops, thus completely overthrowing the whole foundation on which this deceptive system has been built.*

We shall hereafter furnish unquestionable *proofs* of the accuracy of this assertion, when we examine the details of this institution; in the mean time we will resume our account of the cells at Auburn, in which the experiment of solitary confinement was "*fully*" tried. We have stated their contracted dimensions, their vitiated atmosphere, their darkness, the facilities they afford for conversation, &c. In these dens, a selection of "the worst, most hardened, heinous and incorrigible offenders" were buried alive and tortured with a refinement of cruelty without a parallel in this country; as exercise in the open air was not permitted, the convicts were compelled to remain standing or moving on their feet in their narrow cells during the day. This new species of gymnastics was designed by the Auburn philosophers as an effectual substitute for wholesome exercise in the open air! We find the same admirable consistency in the theories and practice of the Auburn school, an equal impartial regard for the welfare of the souls, minds and bodies of the patients submitted to their custody. No literary instruction whatever was imparted; the kind accents of mercy were never heard; the mild tones of persuasion, the language of earnest expostulation, were superseded by the more summary and more congenial measures of brutal violence. We are not therefore surprised that the perpetrators of these enormous outrages, these cool experimenters on the capabilities of human nature to endure excruciating, lingering suffering, deemed religious instruction not only unnecessary but pernicious! They ignorantly, pre-

sumptuously, impiously deemed, that the regenerating influence of religion was powerless within the walls of the purgatory which they had instituted; that a class of men existed in whom hope and fear were alike extinct; to whom the threats of punishment or the hope of mercy ought not to be extended; and that such offenders whom the Almighty in his wisdom and his mercy still permitted to enjoy a period of further probation, were so incorrigible that every attempt should be made to prevent the possibility of their accepting the gracious offers of Providence.

We are not therefore surprised that solitary confinement did not succeed under the administration of those who had not only took effectual measures to prevent its occurrence, but doubted its possibility or existence.* Even *recently*, after the abandonment of part of the Auburn system, we find the following admission, made by one of its *advocates*, Gershom Powers, (the superintendent) in his "Brief Notices," &c. "The views of the institution, *until lately*, had been unfavourable to the services of a resident chaplain, from the belief that they might have had a bad effect upon the discipline of the prison!" in other words, that religion and the Auburn system were incompatible. Verily, the "*location*" of the Theological Seminary in Auburn has been judicious; and we rejoice to hear that religion has at last forced its way through the hitherto impenetrable barriers of this horrid Penitentiary. The theological students of the village have, in their frequent visits of mercy, proved that reformation is not hopeless, notwithstanding the many adverse circumstances which still retard its progress.

Solitary confinement could not produce *reformation* when tried in the manner we have described, and it could not fail to produce the most disastrous effects on the health of the convicts; nevertheless we find the following important evidence, that even under these circumstances, *occasional exercise in the open air restored to health* those who were injured by confinement: Com. Rt. p. 45.—Extract from Report of the Inspectors of the Auburn Penitentiary: "Some of the convicts would sink under this mode of punishment, unless they were permitted to go into the yard for a few weeks, when *fresh air* and *light labour* invigorates their constitutions, and generally *restores them to health.*" This measure is to be adopted not *occasionally* as a means of *cure*, but *constantly* as a means of *prevention*, in our Penitentiary at Philadelphia. It

*See Lynd's letter to Mr. Livingston. Also, Mr. Livingston's letter to Mr. Vaux, passim. Also, letter, &c. from the President, &c. of the Commissioners of the Eastern Penitentiary. Journal of the Senate, 1828, p. 26, 16, and passim.

is not a matter of astonishment that the Legislature of New York abolished *this system* of solitary confinement; we are only surprised that any persons still desire its continuance.

In New Jersey it is stated that the experiment has also failed. It has never been tried. Although the convicts are in separate cells, yet several of them can converse as freely as if they were in the same cell; and therefore, to use the language of the report of the prison discipline Society of Boston, "it is to be regarded as no farther an experiment on solitary confinement, day and night, than as keeping the men from seeing or coming in contact with each other, but not from evil communication and corrupt society." p. 16. Letter of the President, &c. of the Penitentiary Commissioners to the Senate of Pennsylvania, 1828. In the 17th page of the same document, is the following evidence: "according to the testimony of the keeper of the New Jersey prison, there have *not been any recommitments* of those who have suffered solitary confinement; and the cells have not proved permanently injurious to health or reason." The system has been practiced for four years; but the want of exercise in the open air, the intercourse among the convicts, and the absence of instruction, render it in a great measure inoperative as a means of reform.

We have now briefly mentioned the circumstances which rendered the experiments in New York, Maine and Massachusetts nugatory, and which also materially detracted from the success of the trial in New Jersey, Virginia and Pennsylvania. We do not therefore believe that "the boasted experiment of solitary confinement has been repeatedly tried without success in the United States, where it has been universally abandoned;" on the contrary, we have proved that it is still in force in several of the states, and that success has attended its operation exactly in proportion to the accuracy of its administration. We shall hereafter advert to the details of our practice in this country, when we have occasion to discuss the *expediency* of our system. Our remarks have hitherto been necessarily more of an historical than of an argumentative character. In the next number we propose to examine the experiments which have been made in Europe.

## No. V.

In our last number we examined the effects of solitary confinement in Maine, New York, New Jersey, Pennsylvania and Virginia. We stated the adverse circumstances which precluded the possibility of success in Maine and New York, and the partial success which attended the experiments in New Jersey, Pennsylvania and Virginia, notwithstanding the imperfect manner in which they were tried.

As we shall have occasion hereafter to revert to the examination of the practical operation of solitary confinement in the United States, when we shall discuss the humanity, effect, and expense of this means of punishment and reformation, we proceed at present to inquire whether the third objection to our theory possesses any foundation, viz: "The experience of Europe and the opinions of some of her eminent citizens are adverse to this system."

Our Commissioners state (Com. Rt. p. 33,) that they have endeavoured "to collect all the information that is extant in point upon this subject;" they refer specially to "a voluminous report, which we (they) have procured from England, in support of their position.

We also fortunately possess a copy of this "Report of the Select Committee on the state of jails, &c." made to the British Parliament, 12th July, 1819; a valuable document, replete with the strongest evidence in favour of solitary confinement; almost every sentence of this description appears to have been invisible to the Commissioners, notwithstanding their intention to submit to the Legislature all the evidence in their possession; an intention expressed in the very page where a few garbled or detached extracts only are furnished—(extracts which by mutilation, omission, altered juxta position, and forced and partial construction, may perhaps produce the erroneous supposition that little or no evidence in favour of, and much opposed to solitary confinement are contained in that report.) Our Commissioners may perhaps plead in extenuation that confinement without labour, forming the subject of that portion of their report now under consideration, much evidence in favour of the system accompanied by labour was necessarily omitted; even in this case many of our previous remarks would still be applicable: but as in the subsequent part of the Com. Rt. professing to discuss this plan, similar omissions occur, we deem it our duty to contrast the original evidence with the version of it contained in the Report of our Commissioners.

The first witness adduced in the Com. Rt. p. 33, is John Orridge, the governor of Bury jail; he is represented as stating "that solitary confinement operates in different ways; on an idle, sluggish mind it has no effect, on men of an active mind it operates very differently." In answer to an inquiry whether it would be prudent to continue a system of solitary confinement without employment, for a length of time, he replied "no, I should not, for after a certain period, I think it becomes familiar, and has not the same effect; but for 7, 14, or 21 days, I think it has a good effect." This is all the evidence extracted by our Commissioners, from this, their most prominent witness; (who is likewise an advocate for occasional scourging;) we will cross examine him: his testimony is contained in "the minutes of evidence taken before the Select Committee on Jails, &c." p. 322 to 334 inclusive, (this document will hereafter be frequently quoted under the abbreviated title of Min. of Evid.) He is evidently a coarse and uneducated man; we are not surprised to find his evidence contradictory. In page 335, he states that if the prisoners were employed and inspected, there would be no objection to their congregating; nevertheless, in the *same* page, that they ought to "work in separate rooms:" he previously stated the importance of separate dormitories: he also states that if not more than eleven convicts be employed together in one room "*no mischief will arise from their intercourse, if left to themselves, without any inspection whatever*, for a part of the time." The value of his opinion and his knowledge of prison discipline may be estimated from this single sentence. Nevertheless the evidence of even this blundering witness does not support the views of our Commissioners unless it be mutilated. We will continue his cross examination. P. 325, the "major part of our convicts are labourers in husbandry, and therefore, the great difficulty is in procuring work for them within the walls;" hence a resort to the tread-mill was necessary; he had, therefore, no employment for those in solitude, p. 330; no solitary cells, *properly so called*, exist in his prison; they would be extremely useful." He further states that solitary confinement, when inflicted for short periods of time, is more efficacious when labour is not permitted; that all criminals, sentenced for a very short period, should be thus treated; that too much means of separation cannot be enforced, if the prisoners be unemployed; and finally, that he had no experience in any other prison, &c.

The only comment we deem necessary is, that he approves *of solitary confinement without labour*, whenever the term of imprisonment is very limited; in this opinion he was confirmed

by his experience; he supposes, only, that if it be continued for a long time *without employment* it will be of little efficacy. We may remark that this opinion is a mere hypothesis of this ignorant man, who is destitute of experience derived from other jails, by his own confession; and equally destitute of experience respecting the effect of long continued solitary confinement, in his own prison, in consequence of its incomplete structure, and the consequent neglect of the provisions of the act of Parliament, commonly called the jail act. (The Penitentiary provisions of the 19 Geo. III. cap. 74, &c. have not been fully adopted at Bury.)

The next testimony submitted in the Commissioners' Report, p. 33, is that of "Mr. William Bridle, governor of the jail at Ilchester for eleven years; having been asked whether a short period of solitary confinement was not sufficient to subdue the most refractory prisoners, replied, "it may in many cases, but I think if a short period of solitude will not be sufficient, a longer one will not. I think after a certain time, a person in solitude gets hardened, he gets callous, and does not care what becomes of him;" he added, "that he spoke of solitary confinement *without labour*." He added something which the Commissioners have omitted, viz: that the only species of solitary confinement, in which he had any experience, had a good effect in making the most refractory prisoners orderly, (p. 353, Min. of Evid.) but that he had only *three* cells for solitary confinement in his prison, (p. 344 idem) and that no such imprisonment beyond 14 or 21 days had been tried by him; (idem) consequently his testimony so far as it is supported by his experience, is in our favour.

The next witness relied on by our Commissioners is "Thomas Brutton, governor of the jail at Devizes," whom they assure us testifies "that solitary confinement had rather an ill effect upon the spirits and disposition of the prisoners; and being asked in what respect, he answered "dulness and constant heaviness; the prisoners have appeared dull and heavy in consequence of their solitary confinement." This is all the testimony which they extract from this witness; although our Commissioners promise to revert to his additional evidence, we do not discover that they have remembered their promises; we will therefore endeavour to assist them with a few more extracts. He (T. Brutton) states expressly, in the sentence immediately following the Commissioners extract, that the dulness and effect on the spirits were produced by the privation of various comforts which the prisoners could not purchase: as no part of their earnings were allowed to them; and subsequently that if this arrange-

ment were changed, he had no doubt they would be more cheerful; that even at present they "were not sulky in any instances," that they were all *disposed to work*, that in no instance had it produced despondency; that the system ought not to be changed,* (p. 356, Min. of Evid.) that he had not had a sick man in the prison in consequence of it, that all his prisoners, including those in solitude, "are particularly healthy," (p. 357 idem) that some of the prisoners confined in solitude had been thus imprisoned for a year, and some were sentenced for two years; separate exercise, for half an hour each day, was allowed; that all but two, were employed in various trades; "in weaving, knitting stockings, making gloves, shoes, baskets and hats, &c." that the greater part had learned these trades *in the prison*, of which some had no knowledge whatever on their entrance; that they were competent to maintain themselves when they left it; "that the conduct of these prisoners in solitary confinement has been *very good*, and that they have continued the same line of conduct afterwards, "when released, and associating with other classes; that the effect on the prisoners was "a disposition to attend to religious instruction, and to learn to read, write and work," three excellent accomplishments acquired in this "dull" school. As we shall again call this witness when we examine the *details* of our system, we omit for the present other extracts of the same tenor.

Our Commissioners summon but one more witness before they close their European testimony on this subject, with the assurance that the additional evidence in their possession is "to the same effect!" This last witness has not been silenced even by them. Sir George O. Paul, the friend, the assistant of Howard, (second only to him in fame, superior even to him in experience *on this subject*,) he not only earnestly, eloquently, effectually expounded their joint theories, but, after encountering incessant and powerful opposition from the prejudice, ignorance, callousness and *parsimony* of those who were in power, triumphantly reduced them to practice. The celebrated Penitentiary at Gloucester is indebted *chiefly* to him for its existence. Howard, Sir William Blackstone and Eden were his co-labourers in rearing this noble institution; this impregnable strong hold, where the advocates of our theory may resort for encouragement, and relying on the infallible demonstration resulting from extensive experience of the advantages of solitary confinement exhibited within its walls, may successfully defend their important position. Here the experiment of solitary confinement, on a large scale, was first

* Prisons are intended not for places of merriment but of solemn reflection.

tried with all the *essential* requisites for general success. The building was constructed for the express purpose of testing the truth of our theory; all the prisoners were confined, day and night, separately, from the hour of their admission to their departure; religious and other instruction being frequently administered; exercise in the open air daily performed, and solitude, without employment, for *short* periods; and with work for *long* periods of confinement, (for years in succession) enforced. The result has surpassed the most sanguine expectations of its founders. All these assertions we shall subsequently prove by the most irrefragable evidence.

Such is the great pattern which is proposed for our imitation in Pennsylvania; a pattern susceptible of some few improvements which will perfect its excellence. Paul was permitted to enter that promised land which his friend Howard beheld at a distance; *he* lived to enjoy the realization of their mutual visions of hope; to witness the fulfilment of their once derided predictions; to demonstrate the soundness of their theories by successful experiment. He outlived the calumny and the ridicule of his opponents, and bequeathing to us his invaluable legacy, has gone down to the grave esteemed and honoured by nations; deplored by those whose miseries he had alleviated, whose ignorance he had instructed, and whose crimes he punished, at once in wisdom and in mercy, teaching them that "the way of the transgressor is hard;" that the paths of virtue are the paths of happiness.

How have our Commissioners disposed of the evidence of this great apostle of our doctrines? Evidence in our favour, as clear, complete and powerful as the language of man could express; their partial extract might almost arouse him from his grave; they have actually represented this well known advocate of solitary confinement as a sceptic, respecting its *extensive* efficacy! One short paragraph contains all they deemed necessary to quote from the unanswerable and comprehensive testimony of this candid and experienced philanthropist, viz: (Com. Rt. p. 33.) "Sir G. O. Paul, an acting magistrate of the county of Gloucester for seventeen years, expressed an *opinion* that solitude *with* occupation or employment, would reform the most hardened criminal, *but he admitted that the effect of solitude depends on the character of the patient;* and generally, he thought, solitude ought not to be continued more than a month without some occupation of mind or body." Our Commissioners in their report frequently represent that solitude will be inoperative on a large class of men, on account of their constitutional dispositions, &c. the forced and unnatural juxta position of these separate sen-

tences would therefore appear by *inuendo* to confirm their statements; they have entirely omitted the *explanatory sentences* of Paul, who advocated *labour* and study in solitude in the *majority* of cases; (except such solitude were of short duration, when labour might be omitted;) but he urged the necessity of "*attention to*" *the varying* "*effects*" of this discipline on offenders of different dispositions; that "special cases" might, for these reasons, require a deprivation of labour to ensure reformation; but such cases were exceptions to the general discipline. This theory is precisely the same as that advocated by us. Sir George O. Paul cannot by any, even the most forced construction, be represented as questioning the *positive* and universal efficacy of solitary confinement. He states that its *comparative* efficacy, when inflicted for a short period of time only, will depend on "attention to its effects," which may require the permission or refusal of labour "in special cases." (Min. of Evid. p. 401 to 406 inclusive.)

We believe that the following additional evidence of Sir George O. Paul (which the Commissioners have omitted) is too important to withhold from our readers: "Labour was not administered as a punishment, but for the purpose of "preventing solitude from pressing too severely on the *mind*, by accustoming prisoners to find relief and gratification in employment; and thus to dispose them to habits of industry; and finally, by providing a variety of useful trades, and adapting them to the respective dispositions of prisoners to enable them to maintain themselves on their return to society;" many "learned trades," and after their discharge "obtained a livelihood by honest industry;" "all of them worked alone, so long as there were separate cells for the purpose," "in a great variety of works of simple manufacture," such as stocking weaving, &c.; the health of the prisoners was promoted by exercise, separately; they were orderly, obedient to the discipline, and resigned to their situation; "the chaplain very frequently attended and talked with the prisoners in their cells;" "their moral character was in general greatly improved by the discipline of this prison; FEW, IF ANY OF THEM, RETURNED TO A SECOND PUNISHMENT DURING THE PERIOD OF MY ATTENTION, (17 years.) The plan succeeded in its early effects beyond the theory imagined by the original projectors of the system; *far indeed beyond my most sanguine hopes.*" (The numbers sent to this school of reform produced at length the same effect which a similar cause produced at Philadelphia.) He continues, "I have observed a change which has followed, of numbers increased beyond the accommodation, which is indispensable to reformatory discipline; in fact, a large proportion

of the prisoners *now* confined (1819) cannot be so kept as to *work alone.* In the seventeen years, beginning from 1793 to the year 1809, there were only 517 prisoners committed to this prison. I observe that there have been committed to it 1247 within the last ten years." "That the consequence of this increased number has been to diminish the good effect of the system," although the prison was still *quiet* and its inmates *apparently* submissive to order. A valuable table of the commitments and recommitments in each year, under the impaired or *associated* system, is given by him: prior to this period, few, or no recommitments occurred; we earnestly request our readers to observe the exact accordance of the result in Gloucester and in Philadelphia, (given in our first number.) In five years the number sent amounted to 319; the consequence was, that only a portion were in solitary confinement; the remainder (notwithstanding all the precautions of classification, &c.) corrupted each other, and 15 of them were recommitted; in the next five years 664 were committed; and not less than 50 of them were recommitted after their discharge! We shall hereafter revert to the evidence of Sir George O. Paul. We may remark that the testimony of the present Governor of this Penitentiary, as given in the Min. of Evid. p. 387, confirms the statements of Sir George O. Paul, contained in the same document—p. 401 to 406, inclusive.

In Europe numerous individuals of experience, of talent and intelligence exist, who are generally supposed to be acquainted with the theory and practice of solitary confinement; many sources of information may there be resorted to by dispassionate inquirers.

Our Commissioners have nevertheless deemed it expedient to give us the alleged testimony of *but four* individuals; with what accuracy they have stated their opinions, our readers may judge from the preceding statements. As it is our intention to make further extracts from the documents, &c. which they have found so barren of information, it may be expedient, for the sake of perspicuity, to make a few remarks in our next number, explanatory of the British, Irish, and other systems of imprisonment, of which solitary confinement is an authorized or component portion, (the extent, benefit and existence of which appear to be unknown, and certainly not communicated to the public by our Commissioners.)

## No. VI.

In our last number we promised to give a further sketch of the legislation, practice and opinions prevailing in England in relation to prison discipline.

The common law of England sanctions but one species of prison for the confinement of all species of prisoners indiscriminately: viz. the Sheriff's jail for the county, where tried and convicted felons, of all ages, sexes and descriptions were associated with vagrants, detained witnesses, untried prisoners, &c.; no labour whatever was even contemplated. The result we need not again describe; the former horrid condition of our prison in Philadelphia, mentioned in our first number, was but a faint copy of these legalized, hideous abodes of corrupting depravity; of intense suffering and unutterable abomination. The first statute passed for their partial amelioration, worthy of notice, is the 19th Charles II. cap. 4; the preamble of which states, "Whereas, there is not yet any sufficient provision made for the relief and setting on work poor and needy prisoners, committed to the common jail for felony and other misdemeanors, *who many times perish before their trial;* and the poor there living idle and unemployed, become debauched, and come forth instructed in the practice of thievery," &c. therefore the justices of the peace are authorized to procure a stock of raw materials and overseers of work, "*if they shall find it needful* so to do," for the employment and maintenance of such poor prisoners. This provision being only permissive and not imperative, was not enforced for many years; and to this day remains a dead letter in many prisons in the United Kingdoms.

Houses of Correction had been previously provided by the 39th Elizabeth for the reception of "vagabonds and sturdy beggars." These were, therefore, *originally* intended for the prevention of pauperism; not the punishment of crime; but by the 6th George I. cap. 19, "vagrants and other criminals, offenders, and persons charged with small offences," or for want of sureties, may be committed to these houses of correction, or to the common jail, at the discretion of the justices. The reason assigned for this permission is, that evil communication and corruption, which had been found to be very prejudicial, would be thereby diminished. (See also 7th James I. and 17th George II.)

Hence the origin of the discipline pursued in Houses of Correction and Bridewells, which now became mixt institutions, not merely for the prevention of the evils of pauperism

and idleness, but for the punishment of minor offences. The benefits resulting from them extended over districts more limited in extent than the Sheriff's prisons; sometimes embracing only a parish, or borough, or the part of a county.

In the year 1779, John Howard, the philanthropist *par eminence*, the benevolent Eden and Sir William Blackstone, the author of the well known legal primer, the Commentaries on the laws of England, drew the celebrated act of 19th Geo. III. in which is the following language, cap. 74, sec. 5; "if many offenders convicted of crimes, for which transportation hath been usually inflicted, were ordered to solitary imprisonment, accompanied by well regulated *labour and religious instruction*, it might be the means, under Providence, not only of deterring others from the commission of the like crimes, but also of reforming the individuals, and inuring them to habits of industry," &c. Two *National Penitentiaries* (words for the first time introduced into their legal vocabulary) were therefore ordered to be built, to reduce these principles to practice. We stated the reasons which occasioned the postponement of the execution of this measure in our first number. The 26th clause of this act authorized the temporary conversion of certain Houses of Correction, &c. in the several counties, to the use of Penitentiary Houses, until the completion of the two edifices above mentioned. As this statute remained for a long time neglected in practice, the exertions of Paul were directed to obtain another act of Parliament, with similar but improved provisions, for the county of Gloucester alone; by this act passed in 1785, (25th George III.) the Penitentiary of that county was authorized, and certain sections of the act of 19 and 25th Geo. III. applied to the other prisons of the shire. The system was not carried into operation until 1793. Hence, although we cannot claim the priority in legislation in Pennsylvania on this subject, we may justly claim the merit of first testing the system of solitary confinement *in practice:* our law of 5th April, 1790, was in consequence of previous preparations, immediately executed; but candour compels us to confess that our arrangements were less extensive and less completely adapted to produce the intended effect, than those which were established in Gloucestershire, particularly as they respected the degree of labour (which in our cells was almost neglected) and of seclusion, and the architectural properties of the buildings.

The National Penitentiary of Great Britain, situated at Millbank, Westminster, was not erected until 1816, and was not *finished* until many years after that time.

The enactments of the statute 25th Geo. III. authorizing solitary confinement, &c. in the prisons of Gloucestershire, as

we have previously described, were extended to the *whole kingdom* by the 31st Geo. III. but, as many of the jails, &c. would require extensive alterations and expensive additions, and thereby render a complete and immediate compliance with the statutes impracticable in many cases, inexpedient in others and unpopular in some of the remainder, a discretionary power, to modify some of the provisions of the acts of Parliament regulating jails, was entrusted to the magistrates, visiting justices, &c. This dangerous power has been abused, as might have been anticipated. However zealous, intelligent and humane, many of this latter class must unquestionably be deemed, some are too well known to resemble that portion of the same class of ignorant, prejudiced, indolent and imbecile blockheads who infest this country. Men, whose incapacity and inattention are proverbially notorious, ought not to be permitted to counteract the well planned labours of benevolent and intelligent legislators; to decide on the propriety or inexpediency of the most important of all philosophical experiments; the noble attempt to prevent the crimes of our species. Hence the most incongruous and discordant practice in prison discipline prevails in the United Kingdoms; from the almost perfect system which was adopted in Gloucestershire, to the venerable plan of idle, unrestrained association, so characteristic of "the wisdom of our ancestors," "of the good old times;" a plan embodying as much pure, revolting and extensive evil as the great enemy of mankind could desire or devise.

We have witnessed scenes of abomination in the prisons of that country which our pen would refuse to record. Happily the spirit of the age, the spirit of reform, is rapidly changing the character of these fell abodes of sin and suffering. We rejoice that so much has been done; we regret that so much remains to be done; we look forward with confident hope to that period of the perfection of discipline, when a prison for whatever class of *offenders* it may be designed, will be synonymous with a solitude.

In Great Britain, nearly all classes of offenders have been punished by solitary confinement in one prison, and some in others, in *no particular jail* do we find the most atrocious and the most trivial offenders, &c. universally thus punished; convicts sentenced for high crimes, were thus confined for their whole term in Gloucester; and for a considerable portion of their term of imprisonment at the National Penitentiary at Millbank, at the Richmond Penitentiary, (the Irish National Penitentiary, Dublin,) and in all those numerous prisons where the Penitentiary provisions of 19, 25, 31,

&c. of Geo. III. have been thus enforced. In other prisons and houses of correction, persons guilty of less offences were thus punished; at Horsely, &c. for example; in other Bridewells, &c. mere novices in guilt, and juvenile convicts, suffered this punishment, sometimes for part, and sometimes for the whole period of their sentence; for crimes, &c. committed in prison, solitary confinement is frequently inflicted on those who otherwise might not be subject to this discipline by the terms of their sentence. In many of the British prisons there are numerous wards for the classification of the inmates; this may be considered as so many distinct and separate buildings, or establishments, subject however to one government. The first ward is frequently appropriated for the solitary confinement of a portion of the prisoners during part or the whole of their term of imprisonment. The detention of convicts in prison after their long and beneficial separate confinement, and transferring them to other wards, (where association is permitted, and classification is attempted,) for additional but mitigated punishment; too frequently counteracts the effects of the previous salutary discipline. Every attempt at classification will be only partially successful; admitting for the sake of the argument that the administrators of the institution possessed not merely a general and accurate knowledge of mankind under the most diversified relations, as well as that rare combination of talents and information, tact, to enable them to form an infallible judgment respecting the character, natural and acquired, of each individual of their numerous patients; and admitting that prisoners could be found in each Penitentiary resembling each other in their natural endowments, (their intellectual faculties, their feelings, their propensities, their habits,) and their frequently unknown education; admitting that these convicts had all been reduced to the same standard of Penitentiary excellence by the reformatory discipline of solitude—even in this case, subsequent association would inevitably renew the process of corruption; *it would render the convicts known to each other;* it would annihilate any reviving or newly created sense of shame, any regard for character or self respect which might have been acquired in their solitude. It is not their degradation, from their mere exposure to each other, to which we particularly refer, but the ultimate and inevitable consequences of that exposure must eradicate the seeds of reformation, the reputation of each (and consequently the most powerful incentive to future propriety of conduct) is at the mercy of every fellow convict after their mutual release from prison.

Continuance in reformation may not be impossible, but will

be extremely problematical, when any wretch disgorged in unaltered depravity from the same prison, instigated by revenge or by cupidity, may destroy the character and ruin the prospects of a discharged and repentant felon by the threat of exposure; to be prevented only by submitting to ruinous extortion, or by a return to the participation of crime. We speak not from conjecture, but from experience; we have known many such cases of relapse after repentance; cases of man's last, worst, his second fall; we will not at present give the details. Hence the difficulty, if not the impracticability of any perfect scheme of classification; and the inevitable risk to which those who may be subjected to the attempt, are exposed after their discharge, ought to banish this plan from any prison.

If the *mass* of convicts be discharged unreformed, and probably greater adepts in crime, then acquaintance with each other ensures them the co-operation of willing, experienced, skilful and familiar assistants, whenever the plunder of society may be most certainly performed by an organized association.

This system therefore not only encourages the occasional relapse into vicious habits, but almost necessarily establishes an order of desperate, depraved and incorrigible villains as a distinct and perpetual class of society; men who are rogues by profession.

When sufficient *punishment* has been inflicted by solitude to make a painful and lasting impression on an offender, and to deter others from following his example, what possible benefit can result from any species of additional incarceration? remuneration to society from the joint labour of the convicts (even if such labour were more profitable than solitary employment) rarely, if *ever*, can repay, far less enrich the community.*

*Since the publication of the first edition of these essays, the discipline has been altered; the second class of convicts (viz: those who having served half of their time in solitude, were transferred to the second class, in which association was permitted) has been abolished, and all those now in solitary confinement are subjected to this discipline during their whole term of imprisonment. They are required to attend church; during the service, their persons are seen, and of course an acquaintance with each other is, in some measure, the result. Efforts have been made to prevent this by the erection of partitions, in order to isolate each individual. This is an improvement of great importance, which we hope will be prosecuted further. Nevertheless, the plan formerly pursued at Gloucester is preferable; viz: religious instruction administered to each in his separate cell.

The great importance of preventing prisoners forming any acquaintance with each other, does not appear to be sufficiently appreciated in Great Britain, although in practice they have effected more than has been attempted in any part of the United States, even than in Pennsylvania. Many offenders, who in this country are punished by imprisonment, are punished in England by death or transportation.

In Great Britain the *majority* of prisoners are confined either in classes or in association with each other. Solitary confinement, day and night, is not applied to more than 2500 persons. In Pennsylvania the Legislature have enacted (by the Acts of 1790-1-4-5, &c.) that all prisoners, of every description, shall be confined separately,

The classification and separation of all descriptions of prisoners is enjoined by the several acts of Parliament hereinafter enumerated. In practice much has been effected; many prisons have been built or altered in which the inmates not only sleep separately, but during the day are divided into classes of one, two, three, or more, in each working room;* the Bridewell at Edinburg for example contains fifty-two such divisions. (This prison is one of Jeremy Bentham's panopticons; four stories of cells are arranged in a semicircle; the centre being occupied by a tower for inspection, unknown to the prisoners; the working cells are open on the side facing the tower, for the facility of inspection and the admission of air and light. When we visited it, the prisoners could not only see each other from the opposite sides of the semicircle, but could also converse in those cells which were in the vicinity; a plan for remedying these evils has, we are informed, been executed.) In the *jail* in the same city, the first class of convicts are in solitary confinement; Min. of Evid. p. 246. In the Bridewell at Glasgow there are "115 cells, each of sufficient dimensions for *one* person to *work* and sleep in;" when this prison is not overflowing, "juvenile offenders, particularly boys committed for the first time, are kept in solitary confinement;" we request our readers to mark the result of this recent arrangement: "within the last two years there has been a great decrease of crime and of juvenile delinquency in the city of Glasgow;" sixth report of the London prison discipline Society, p. 190–1. This severe punishment is assigned as one of the most effective causes of this decrease.

both in the state Penitentiaries and in the county prisons, *as far as the same may be practicable.*

We have already exhibited in these essays the discrepancy in our legislation and practice. At the present moment, (1833) the state Penitentiaries (near Philadelphia and Pittsburg) are occupied, and the extensive additions to them are nearly finished. In these all of the most serious offences will be punished. The discipline in each prison being exclusively separate confinement with labour and instruction. In the two most populous counties of the state, Philadelphia and Allegheny, extensive county jails are also in progress, in which every prisoner, whether convicted or accused, will be confined, day and night, in a solitary cell. The acting committee of the Philadelphia society for alleviating the miseries of public prisons, have published the following statement in page 44 of their report, for 1833. "It is therefore a subject of congratulation, that the efforts of the friends of this system have been so far successful that all those great prisons *in which* 14-17ths of the persons (are now) confined in the state of Pennsylvania, are now, or rather soon will be, when the buildings shall be completed, conducted according to the system which the Society has advocated from their origin to the present time." When the counties shall all erect similar prisons, in which the remaining 3-17ths shall be confined, viz: all the prisoners in Pennsylvania, the system in this state will be complete. The great advance which has already been made, and which is still in progress, induces us to hope that the day of unrivalled excellence is not very remote. (1833.)

*If the degree of benefit be found by repeated experience, to be proportioned to the multiplication of classes, viz: to the degree of separation, why not at once adopt *in all cases* the perfection of classification or separation, by making the number of classes equal to the number of prisoners? Even the imperfect plan we have mentioned is far superior to that pursued at Auburn, where classification is neglected.

In some other Bridewells in Scotland, similar discipline prevails. In the prisons of *barony* in that country, a most cruel and revolting species of confinement, in the most dreadful, unjustifiable form of strict unmitigated solitude, is inflicted: these neglected edifices are small, dilapidated, and destitute of almost every accommodation, without glass in the windows or fire in the rooms, (the latter rarely exceed four in number) they are filthy beyond description; they have no yards for exercise, and, what will scarcely be believed in this country, are rarely inspected by the jailer, who, locking up his prisoners with a pittance of food, abandons them for long periods to their fate; permits them to languish in unassisted misery, whilst he, their nominal jailer, rarely, if ever, resides within the walls of the prison! We have experienced great difficulty in inducing these absentees to accompany us in our visits to their prisons. In one case the jailer, who very politely exhibited to us every object of curiosity in his neighbourhood, could not be induced to enter with us into the interior of his jail, alleging the risk of personal danger as his excuse. This horrid species of confinement may be so severe as to prevent in many cases a repetition of crime, but reformation cannot be rationally expected from such incarceration. The acknowledged comparative exemption of Scotland from crime may be more certainly attributed to the diffusion of education, and the prevalence of religion among all classes of her population. For further information on this subject we must refer our readers to the several reports of the London Society above mentioned—article Scotland, and to the examination of Sir Willim Rae, Bart. p. 241 to 258, Min. of Evid. &c.

The system in Ireland is similar to that practiced in England. The great national Penitentiaries at Dublin, &c. resemble those in the latter country previously described. We refer for general information to the previous authorities which we have mentioned, and to the Min. Evid. p. 173 to 240 inclusive; also, to the following Acts of Parliament, regulating the jails of the whole United Kingdoms. 39, Eliz. 7th James I. 19, Chas. II. cap. 4. 6, Geo. I. 19, cap. 74, &c. 22, 24, 25, 26, 31, 49, 50, sec. 68 of Geo. III. and 3 Geo. IV. cap. 64, &c.

From this sketch of the British legislation it is obvious that solitary confinement has been practiced to a far greater extent in the United Kingdoms than even in Pennsylvania, at any period; although frequently neglected by the local administrators of the law. Notwithstanding the incessant vigilance and exertions of numerous benevolent and powerful individuals, some of their jails still exist in a state of almost primitive and undiminished evil; many of the enactments of

the laws are inoperative when an adherence to their provisions is made optional, and not enforced by imperative injunctions, nor is occasional *neglect* the only evil experienced; the *positive commands*, as well as the recommended improvements contained in the statutes, are too frequently but partially exercised or obeyed. The boasted omnipotence of Parliament does not always extend to that secret sanctuary of abuse, the interior of a prison; the decrees of that body which Europe dares not treat with disrespect, are often regarded with contempt by a common jailer, or an equally insignificant magistrate.

If we now divert our attention from the practice of the United Kingdom, and endeavour to ascertain the result of her experience, we must consult the testimony of her citizens.

From the varying practice in relation to *minor* offenders, it is obvious that the expediency of inflicting on *them* the same punishment by solitary confinement which is allotted to the higher classes of criminals, is not conceded by all of her writers on prison discipline. It is not necessary at *present* to ascertain the number and force of the advocates on either side of this department of solitary confinement; we have already stated our views in relation to the extent to which we believe the system ought to be adopted, a subject on which we shall enlarge hereafter. That a well regulated system of solitary confinement for the more depraved class of criminals, is a means of punishment and reformation at once the most promising, as well as the most expeditious, economical and humane, we believe may be regarded as the opinion of those who are qualified to form a judgment on the subject in Great Britain. A diversity of sentiment of course prevails in relation to this, as well as to every other subject involving moral and metaphysical speculation; the truths of our theory are not capable of that species of demonstration which exists only in the exact sciences; and the great mass of mankind, who, almost necessarily, reason *a priori* on such subjects, may, from such modes of argument, arrive at widely different conclusions; but the cause we advocate may be proved not only a priori, but by the inductive system also, sufficient experience has been obtained to render the argument a *posteriori* irresistible.

We have already stated some of the results of the experience of Great Britain; in our 7th, 8th and 9th numbers we will mention some additional *details*, and the opinions of eminent individuals respecting the effects of solitary confinement. We have evidence in our favour from the enlightened Mansfield on the bench, to the suffering criminal in his cell; from

Howard, whose name is synonymous with benevolence and experience, to the severe but practical jailer, intent only on the actual results of his discipline; evidence which proves most incontrovertibly that solitary confinement, when administered in suitable buildings, and accompanied by careful instruction and employment for the mind and body, is not injurious to the health or intellects of those who are thus confined; that as a means of punishment, it is at once the most severe and effectual in *preventing a repetition of crime*, and *deterring* others from imitation, by the example of such suffering criminals; that the dictates of *humanity* to the prisoner, of *justice to society*, as well as motives of *real economy*, render the adoption of this punishment not only expedient, from motives appealing to our self interest, but imperative from a regard to the manifest injunctions of duty.

In our succeeding numbers we shall discuss these opinions; we will also submit a few remarks respecting the *mistakes* of our Commissioners respecting the evidence of La Fayette and Roscoe.

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## No. VII.

In our last number we gave a sketch of the introduction, continuance and effect of solitary confinement in Great Britain and Ireland; we described the legislation and practice of the United Kingdom, and the opinions of some of her citizens respecting this species of prison discipline. We proved that solitary confinement was not only authorized by law, but inflicted in practice, to a far greater extent in that country than it has been even contemplated by our present system in Pennsylvania. We also stated the evils of *classified association* during the whole, or part, of the term of the imprisonment of convicts; a plan which, notwithstanding the sanction of a large majority of disciplinarians in Great Britain, is only comparatively beneficial; we assigned several reasons for the belief that the efficacy of solitary confinement was counteracted or diminished when succeeded by such classified association.

If our limits, and the patience of our readers, would permit us to advert to the history of solitary confinement in the remaining countries of Europe, many additional facts might be communicated which would illustrate our position; but, for the reasons which we have assigned, this division of our subject will be omitted for the present; and in our subsequent

numbers we will incidentally introduce merely a few passing remarks respecting some experiments in those countries.

The history of solitary confinement in Great Britain, &c. appears to be either unknown or imperfectly understood, not only by many of our writers on prison discipline in this country, but even by some of their celebrated authors. For a partial confirmation of this opinion we refer to the letters and essays of the benevolent and illustrious Roscoe and La Fayette.

To the opinions of Mr. Roscoe on *literary* subjects we have been accustomed to bow with deference. As the historian of the Medici, as a promoter of literature, science and the arts, both by his splendid example and continual encouragement, as the *moral* founder of Liverpool, (which is indebted to him for almost every prominent institution of beneficence) he has deservedly received the tribute of admiration from both hemispheres. His life of usefulness, his elevated character, his venerable years, and his *general* information, entitle his opinions to be heard with respect, if not adopted with approbation. We hope therefore that our remarks on his letters on prison discipline will not be misconstrued; will not be deemed uncourteous or presumptuous; independent of other considerations, the grateful recollection of his kind attentions to us at Liverpool, would disarm criticism.

The labours of Mr. Roscoe, so honourable to himself, so beneficial to the public, have occupied so large a portion of his time, that but little remained to devote to the intricate and usually repulsive subject of prison discipline; his pursuits would not permit him to visit or minutely examine the condition of the jails of Great Britain, without which examination no correct opinion could be formed in relation to this *experimental* science; hence erroneous and partial information, and personal inexperience, have led him to incorrect conclusions. Our Commissioners have however quoted *parts* of his essays, without adverting to the circumstances under which they were written; and they have omitted such portions as were adverse to their theory. Our readers have doubtless perused these essays or letters; it will not therefore be necessary to examine them in detail. We may be permitted to observe, that the accusation of intentional cruelty has been disclaimed by Mr. Roscoe, who does justice to the *motives* of the benevolent citizens of Pennsylvania, who advocate the system of solitary confinement. He is however unacquainted with our legislation and practice, as appears from his erroneous exposition of our acts of Assembly; mistaking their dates and objects, he remarks that our system of solitary confinement is

not that from which the celebrated reform in our Penitentiary derived its efficacy, but that it is "a new invention within these few years, heard at first with horror, but gradually reconciled to the public, till at length it has been unblushingly brought forward and recommended to the adoption of states and communities as an adviseable and even philanthropic measure. That some such plan should have been resorted to in the despotic government of Austria is not perhaps surprising, but that it should be listened to for a moment in some of the most enlightened among the states of America, has already astonished all Europe." Our remarks are founded on the supposition that Mr. R. alludes to the general system, whether accompanied by labour or otherwise.

We trust that we need not indicate to *our* citizens the errors contained in this extract respecting *Pennsylvania.* That solitary confinement is neither new nor untried, and that it is regarded by our citizens by no means with "horror," it would be a work of supererogation to prove. In relation to Europe, which is "already astonished" at our "listening for a moment" to this "*horrid new invention*" of solitary confinement, as Mr. Roscoe supposes, we will observe that if he will inquire at any Penitentiary in *his* own country, he will find that very system in full and successful operation; and that the extensive experience of thirty-five years has demonstrated its efficacy and humanity.

If he should extend his inquiries to the continent, he will discover that solitary confinement has there also "been unblushingly brought forward and recommended" as a "philanthropic measure" by some of the most enlightened and benevolent men in christendom: he will there also discover it in the progress of successful experiment. Mr. Roscoe was not aware that the subject of solitary confinement had attracted much attention, or had elicited much discussion in any part of the United States. In his letter to Mr. Vaux, he remarks that "Mr. Allen and yourself are the only two individuals in the United States who, as far as my information extends, have had the public spirit to enter on a public discussion of this subject." Again Mr. Roscoe speaks of "the *state of Philadelphia*;" and in his pamphlet, published in 1826, three years *after* the abandonment of the experiment of solitary confinement at Auburn, (which we described in our third number,) he states, "Now it must not be supposed that the convicts in solitary confinement at Auburn consist of only a few; on the contrary, they form a considerable portion of the whole number." The third report of the Boston prison discipline Society, p. 55, contains the following remark on this statement: "in 1826,

out of more than 400 convicts, *only* 4 were in solitary confinement, and from 1823, when the principle of solitary confinement, day and night, without labour, was abandoned at Auburn, the *proportion* has been nearly the same."

From the evidence which we have submitted, or particularly from a perusal of Mr. Roscoe's letters and essays, we presume our readers will perceive that this eminent writer ought not to be appealed to as an authority on the subject of our system, respecting which he has been misinformed:* the cruelty which he supposes will form a constituent part of our discipline, can never be perpetrated in Pennsylvania; we do not concur with him in the opinion that our prisoners will from starvation "gnaw their flesh for sustenance."

As our Commissioners have alluded to the opinions of Mr. Roscoe when adverse to *our* system, it may not be irrelevant to state his humane sentiments in relation to *their* favourite institution. In his letter to Mr. Vaux he remarks, "I have before stated the satisfaction I felt on finding that *you*, sir, so fully concurred with me in opinion as to the severe system of discipline adopted in the prison at *Auburn*, which you have reprobated in terms not less impressive than any I have ventured to adopt, and seem to consider the *bare possibility* of its introduction at Philadelphia, with its frightful catalogue of abuses, (which will not be diminished by the perusal of the

*During a visit to Europe, in 1820, the writer of these essays had the pleasure of discussing with Mr. Roscoe at his residence, near Liverpool, the Penitentiary system of Pennsylvania. We mentioned to him the *proposal* which had been made by Mr. Bradford and a few other individuals, to *introduce* a system of solitary confinement *without* labour, at the new Penitentiaries in our commonwealth. This plan we had reason to believe was at that time sanctioned by Mr. Roberts Vaux, of Philadelphia. The public are aware that the latter gentleman has published several letters and small pamphlets respecting prisons; these were widely disseminated by him. From a perusal of them, it is evident that Mr. Vaux was not an advocate of solitary confinement *with labour*. Even his recent letters to Mr. Roscoe (alluded to in the text) prove that his opinions on this subject were undecided and wavering. He does not appear to have been aware that solitary confinement, either with or without labour, had been tried in any part of the world, except in Pennsylvania. From these causes therefore, his publications respecting our system in Pennsylvania, have not only been at variance with our uniform legislation, and with the opinions of the old, influential and *successful founders* and friends of "the Pennsylvania system of prison discipline," but have also been the means of unintentionally injuring the character and retarding the progress of that system. The number and wide dissemination of his writings induced strangers to suppose that his statements and alleged defence of the Pennsylvania system were not only complete and profound, but also approved and orthodox. In expressing our regret that the numerous avocations of Mr. Vaux did not permit him to investigate the subject, (respecting which he certainly endeavoured to enlighten the public,) we feel much pleasure in the remembrance of his former labours in conjunction with Messrs. Wood, Bacon, Bradford, &c. in advocating the Eastern Penitentiary, &c.

It is obvious from the preceding statements, and from those which are contained in the text, that Mr. Roscoe has been misinformed respecting our system; and it affords us much gratification to state (which we are enabled to do from the highest authority,) that the nature of the present system of solitary confinement in Pennsylvania has been recently correctly explained to Mr. Roscoe, and that he a short time previous to his decease retracted the objections which were applicable only to a phantom existing in his imagination. (1833.)

late report of the Commissioners) with peculiar apprehension." We presume that our Commissioners have been rather inadvertent in summoning Mr. Roscoe as a witness, although they admit the harshness of his strictures on our system.

The venerable name and authority of our national benefactor La Fayette, has also been adduced by our Commissioners and other opponents, for the purpose of rendering solitary confinement unpopular. His dreadful experience of the horrors of such imprisonment in the dungeons of Olmutz, is supposed by them to afford practical testimony respecting the effects of our system: the complimentary inference is drawn that the reflections of the patriot and of the convict, in unemployed solitude, will be occupied with similar objects, viz: devising and concerting plans of future action when liberated; that reformation or alteration of character will not be the subject of his meditations. This hypothesis is not only untenable by argument, but is at variance with facts ascertained by long, uniform and extensive *experience;* this statement will be confirmed when we discuss the subject of "reformation" in a subsequent number. As the illustrious La Fayette has himself supposed that an analogy exists, (which we cannot perceive,) courtesy would perhaps require us to state his sentiments. In his letter, of which extracts are published in the Com. Rt. p. 30, 32, he remarks, "During the whole time of *my* imprisonment, all my thoughts were directed to one single object, and my head full of plans for revolutionizing Europe. So I think it will be with the thief; and when he shall be restored to society, it will be with his head full of plans concerted and devised during this singularly favourable opportunity," (alluding to the isolated prisoners in our penitentiaries in Pennsylvania.) We trust that we are not guilty of presumption when we state that these cases are not parallel: they differ as widely as the varying nature of mankind will admit. The felon, whose life has been spent in depredation or outrage, is justly convicted by an impartial jury of a crime, to which the law has previously affixed a certain and comparatively mild punishment; detested and despised, he is conducted to his cell without pity or immediate consolation: his reflections on his misspent life, on the friends and relatives whom he has degraded and disgraced, on those whom he has defrauded or injured, must occasion humiliation and remorse in him, who will be compelled to listen to the frequently unheeded but never ceasing upbraidings of a guilty conscience; sustained by no conscious rectitude, supported by no appro-

bation of any human being, surrounded by none to encourage him by example, or to confirm him in pride, he might surrender himself to despair, if the benevolence of that society whom he had injured had not in its mercy taken compassion on the misery of a wretch deserted by the world—abandoned even by himself, and, by administering the lessons of instruction and the consolation of religion, teaching him the necessity of repentance and the benefit resulting from reformation. *Experience* has demonstrated that schemes more useful than the future perpetration of crime, are entertained by such convicts in their hours of solitary reflection.

The feelings of a noble soul, suffering under a lawless, cruel and tyrannical thraldom, are by no means similar. The dungeon of Olmutz can afford us no analogous information. La Fayette, whose life was spent in glorious devotion at the shrine of liberty, on whose altar he had offered his fortune and character, was seized, in violation of the laws of justice and humanity, and consigned to a dungeon: having committed no crime, *he* experienced no remorse; sustained by an approving conscience, and the sympathy of every friend of liberty, he anticipated the period of his release and the renewal of his efforts in the cause of freedom: or, if death should arrest his career, he had reason to hope for that reward in the world to come which man cannot take away; whilst his memory would be cherished in the grateful hearts of millions whom he had benefitted. To experience such feelings is a consolation, a support, a luxury, which the criminal can never possess; as well might we compare the feelings exhibited in the audacious bravado of the hardened felon at the gallows, thinly veiling his real despair, with the noble courage of the devoted patriot on the scaffold, or with the holy confidence of the inspired martyr at the stake.

La Fayette supposes that the horrors of the Bastile, of Olmutz, Venice, and of the other *state* prisons of Europe, will be renewed in *our* penitentiaries: we trust that it is not necessary to disprove this statement to the citizens of *Pennsylvania:* the dungeons of France, of Spain, of Germany and Italy, have never been imitated in *our* commonwealth. We will avail ourselves of this occasion to describe one of the most celebrated of these abodes of torture, which the erroneous information or the heated imagination of some of our opponents, has induced them to suppose will be copied at the prisons in this state. Some years since, we were induced to visit the subterranean dungeons under the Doge's palace at Venice; at that period the secrets of this dread prison house were rarely revealed: we descended by a trap door

through the basement floor of a hall (where festivities were held, and which was splendidly decorated with the most costly marbles, &c.) into a long dark passage, on a level with the sea; beneath this were the cells, ranged on each side of a narrow, perfectly dark, and close corridor; these dungeons were lined with wood; the nails were corroded with rust, and the damp distilling from them in drops; the size was so small, that the victims could not have scarcely stretched their limbs, far less have taken exercise: there was no furniture; no communication with the open air; (a small aperture in the door admitted only the damp heavy air of the corridor.) We were informed that a prisoner had lingered in one of these sepulchres for 24 years; the melancholy memoranda of his sufferings were to be seen on the walls of his cell: we would have supposed that an interment of even 24 hours, in these dismal vaults, would release a prisoner from the further tyranny of man. On our return to the open air, the departed glory of Venice was no longer regretted: her ruined edifices, her starving population, and the oppression of her present masters, seemed to attest the just retribution of heaven on her cruelty.

If our readers will compare this description with the account which we gave in our second number of the cells in our new prisons, they will perceive that no similarity exists between them and these dungeons in which prisoners of state have so often suffered in Europe.

Our venerable friend La Fayette has been so fully occupied in the cause of liberty, that we are not surprised to discover that he (as well as Roscoe) is not well acquainted with the history of prison discipline: he appears to have an instinctive dread of solitary confinement, which the reminiscences of Olmutz are not calculated to diminish. He supposes that this punishment is *unknown at present* in Europe, and that the prisons of state are the only institutions in which it has been introduced. We need not again describe the existence of this system in America, in the kingdom of Great Britain, &c. If La Fayette will visit the prisons of St. Lazare, or St. Pelagie, or any of the houses of correction in Paris, in which juvenile offenders are confined by the authority of their parents, he will see our system in successful operation. (Des prisons telles qu'elles sont et telles qu'elles devraint etre par Villermé, p. 117, 18. 171.)

The sentiments of our national benefactor on any subject will always be heard with respect, but as he has not studied this question, he submits his opinion, with the modesty characteristic of greatness, to the superior judgment of those

whose experience in prison discipline is entitled to more consideration.* In legal, medical, or theological speculations, we are guided by the opinions of the lawyer, physician, or divine; why should the sound adage of "cuique in sua arte credendum est," be inapplicable to those who have studied the science and examined the practice of penitentiary punishments?

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## No. VIII.

We must now resume the discussion of the efficacy and expediency of *solitary confinement*, by an examination of the fourth objection which our opponents have alleged against it, viz: "As a punishment it is unequal, cruel, destructive to health and to habits of industry, and productive of madness."

1st. Respecting the *inequality* of this punishment. It is alleged that the natural and acquired peculiarities of dispositions of different individuals will render this punishment extremely unequal in its operation: that it will be excessively severe when the patients are possessed of active minds, and of little efficacy, or entirely inoperative, when applied to the sluggish and indolent.

*All appeals* to the reason, and to the moral and physical feelings of mankind, are liable to the *same* objection. The delicate organization, the highly cultivated intellect, the sensitive dispositions of some, may be powerfully affected by causes which may be totally impotent, or of diminished efficacy, when applied to the coarse and brutal natures of the stupid, callous and uneducated; hence solitary confinement, *as well as every reward or punishment, must necessarily be unequal;* we cannot therefore perceive why an objection, which applies to *every* species of prison discipline, should be deemed to be the peculiar characteristic of this—which we will endeavour to prove is the *least* liable to the imputation. It is a *punishment* so *severe*, that, of the numerous and widely differing individuals who have been subjected to it in many countries, differing as widely in their customs, climates and institutions, all have experienced it to be a most irksome, dreaded and powerful infliction. As a means of reform, its efficacy is equally extensive; the exceptions to these effects are so few, that they may be regarded as anomalies. These

* La Fayette, as well as Roscoe, has recently acknowledged that his opinions are no longer tenable. (1833.)

assertions will be confirmed when we examine the topics of *reform* and *cruelty*.

Our commissioners allege that this punishment is not only unequal when applied to *different* individuals, but that it will vary in its effects on the same individual: that the powerful force of *habit* will daily diminish its efficacy until it will almost cease to be felt as a punishment, and the prisoner will become almost *reconciled* to his situation: the history of certain European prisons, where such imprisonment has been long endured, is adduced as a confirmation of this opinion. We regret that our commissioners have contented themselves with furnishing this vague and general reference: no specific cases or prisons are mentioned: we know of no such instances of resignation—of such annihilation of the inherent, ever-during love of liberty; or of the deeply implanted desire of happiness. In sundry old legends, or equally credible modern romances, we have a tale of remote antiquity, applied to various countries with different accessories, as if it were a veritable record of history: It was revived and applied to the Bastile: our readers all recollect the fanciful anecdote of a prisoner who, after a durance of fifty years in that delectable residence, was permitted to depart, but "the powerful force of habit" had so far "reconciled" him to the luxuries of that agreeable abode, that he earnestly requested permission to end his days in his beloved dungeon. We hope that our new Penitentiary will not be equally attractive.

Even if the opinion were correct that time or habit would diminish, or almost annihilate, the *severity* of solitude, in this extreme case the mind of the patient would be less inflamed by suffering, and from the calmness and resignation which would succeed his former state of vindictive resentment and brooding malignity, the still small voice of conscience, and the merciful admonitions of religion, would be heard with attention, be felt with conviction, and probably would be attended with some reformation.

Unquestionably habit renders solitary confinement, and *every species* of punishment or reward, daily less impressive on the feelings: sensibility itself will become blunted from often repeated excitement: but never, until human hature itself be changed, will solitary confinement loose so much of its efficacy as to be regarded with apathy, or any other feelings than those of dread, and of strong and unmingled aversion; whatever may be the disposition of the convict or his occupation in solitude. Providence has for the wisest purposes bestowed on the various individuals of the human family, dispositions the most different and even opposite; but some characteristics are common to almost every descendant of

Adam; feelings, which form an almost essential constituent of humanity—the love of liberty, of *society*, and of comfort; self-esteem and the love of approbation, still cling even to the most abject and fallen; they are never-dying incentives which Heaven has implanted as a means of restoration to virtue. On all of these feelings of the convict, solitary confinement will operate; his person and his disgrace will *not be known* to his fellow prisoners; he can neither corrupt them by example, or receive additional contamination from their intercourse; on his discharge from durance, he may again resume his station in society; again resume the paths of virtue, of industry, and of respectability, *without the fear of exposure or extortion from any convict acquaintance.*

There *may* be some *individuals* on whom punishments and rewards may produce no effect; on whom solitary confinement and instruction may effect no reformation; but we have known no such cases: they doubtless exist—as there are persons to whom the hope of heaven or the fear of hell, may, even in the very hour of dissolution, be urged in vain. Such persons are, however, but rare exceptions to the general laws of humanity. Is the rule on the exception to be regarded as our guide in judgment? Is our legislation, which is so admirably adapted to 99 in 100 individuals, to be devised for the great majority, or for the almost imperceptible minority? Our commissioners however admit this principle; but as they previously submit an extreme case of the unequal effect of solitude, without labour, on a convict possessed of a refined and sensitive disposition, as a partial objection to our theory, it may be expedient to inquire into the effects of the *Auburn* system on a person of this description. We will suppose that an individual, possessing character, refinement, acute sensibility, education, fortune, family, &c., commits, in a moment of excitement, an act which may be justifiable, perhaps even laudable, in the opinion of most persons, but which the law feels it necessary to repress by imprisonment; he is committed to that levelling institution, compelled to perform the hitherto unknown task of hard labour, in the immediate vicinage of wretches so vile, so repulsive, so loathsome and depraved, that their hideous and revolting aspect must make him recoil from their contact; men engendered in guilt, nursed in impurity, pollution and disease, accomplished only in the arts of profligacy; whose daily subsistence had been derived from fraud and rapine; whose lawless lives were but one scene of alternate debauchery, outrage and punishment; to whom a jail was a natural and accustomed residence, and felons almost their only acquaintance; suppose such an in-

dividual as we have previously described, torn from his home, his family and friends, and forced into this unnatural, horrid communion, exposed to the gaze of these convicts, and to the view of the multitude of spectators, (who are daily admitted to this *menagerie* from motives of parsimony) subjected to the petty tyranny of a vulgar and brutal jailer, who might delight in the frequent infliction of the lash on such prisoners; may we not ask whether the punishment of these two different classes of convicts be *equal?* We believe that no advocate of the Auburn system could maintain such a position. Suppose this individual had, on the contrary, been placed in solitary confinement, this *gross* inequality in the allotment of his punishment would not exist: his prison would retain sufficient suffering to prevent his repetition of offence: sufficient terrors to deter others from imitating his example: self-respect, shame and character would not be entirely eradicated: hopeless degradation would not forever counteract the most powerful incentives to reformation.

The case we have selected is rare, but by no means anomalous; the same reasoning will apply, although with diminished force, to a large class of offenders; to all who are committed for the first time, to all who are novices in guilt, to all in whom the seeds of virtue are not wholly extinct; to all these solitary confinement will be a punishment far more equal than *any* plan which admits of association, and obviously far more equal than the boasted system of Auburn.

Although from the very nature of man *all* punishments must necessarily be unequal, the nearest practicable approximation to equality is effected by our species of discipline; a discipline sufficiently *severe*, (as we shall hereafter prove,) on *whatever class* of offenders it may be inflicted, to effect the great objects of human punishments—the prevention of crime, and the reformation of the guilty, without the *unnecessary* infliction of pain or cruelty on any who may be subjected to its administration.

In our next number we propose to examine whether the general charge of cruelty, or the specific charges of injury to the health or reason of convicts, when subjected to separate confinement, be sustainable.

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## No. IX.

In this number we propose to inquire whether the charge of cruelty can be justly alleged against our system.

Much misapprehension prevails among some persons respecting the nature of the discipline to be established in our new Penitentiaries; those who have been the most clamorous in their accusations of cruelty have been engaged in combatting a phantom existing only in their imaginations. They have supposed that the convicts would be confined in dark, damp dens, so small that no exercise in them would be practicable, no space allowed wherein the unhappy inmates could even stretch their palsied limbs; that they would be poisoned by the close and vitiated atmosphere which they would be compelled to breathe; that the light of day and the fresh air of heaven would be carefully excluded; that warmth and ventilation would be neglected, whilst the prisoner doomed to absolute, unremitted and unmitigated solitude, with no employment to occupy him, and prevent remorse urging him to despair, with none to aid or visit him when sick, with none to instruct him when ignorant, or to attempt his reformation, would either be released by a cruel, lingering death in his dungeon, or, if discharged, that he would be ruined in health, his mental powers impaired or destroyed, and his disposition unregenerate, malignant and vindictive.

To imagine that any benefit would result from such a diabolical species of incarceration, would be the consummation of folly and absurdity. To defend any of our citizens from the imputation of devising or approving *this* system, would be indeed unnecessary. The wisdom and benevolence of those philanthropists who have so long endeavoured to perfect our Penitentiary discipline, have sanctioned a plan founded on the basis of sound philosophy, of extensive experience, and of unquestionable humanity.

In our second number we briefly described the Eastern Penitentiary, and the system which is to be practiced therein. We mentioned the size, furniture, and admirable apparatus for warming, lighting, cleansing and ventilating the cells; the size of the yards, for labour or exercise, which are attached to every cell,* and we alluded to the extreme attention which has been given to provide every requisite comfort for the prisoners. In this respect this prison is unrivalled in

*Our Commissioners prefer resorting to *Boston* for information respecting the structure of the Penitentiary in *Philadelphia*, and have consequently committed some egregious errors in their description. Why did they not carefully examine this building? The cells are 16 feet high and not 10, as they have stated. We cannot imagine how they can commend the small, wretched and impure cells at Auburn, whilst they censure ours as close, narrow and unwholesome. See p. 43, Com. Rt. Their supposition that the convict might expire before the knowledge of his illness could be known to the keeper, is a mere supposition at variance with experience. Is not the confinement at Auburn at night and on Sundays liable to the same remark? Suitable means will be provided in our Penitentiary as in other prisons, to enable the convict to notify the keepers of his illness, even if it should escape the hourly observation of these vigilant inspectors.

christendom. The Western Penitentiary at Pittsburg is not equally well planned, but with some alterations and additions, may be adapted to the purpose for which it was intended.

Religious and other instruction will be constantly and regularly administered; the visits of the virtuous and benevolent permitted and encouraged, under proper restrictions; unremitted solitude, or separation from *all* society will not be therefore practiced. Intercourse with the enlightened and virtuous members of the community must inevitably frequently console and benefit, and can never torture or injure the convict: *he will be separated only from evil society*, from the association with the depraved and hardened: the progress of corruption will be arrested; he can neither impart or receive from them contamination; if a gem of virtue or of shame exist, it may be preserved and cultivated; his character will not be irreparably destroyed by exposure; his resolutions of reformation blasted by an acquaintance with his fellow convicts, an acquaintance which when once formed can never be dissolved.

We cannot perceive the justice of the imputation of cruelty in *thus* separating the convicts, not from all the enjoyments of society, but from their intercourse, or rather from their association, *without any intercourse whatever*, with each other: for the evils of such intercourse are fully admitted by our opponents.

There is no magical charm in the mere herding together into one silent and revolting society, all the inmates of a prison; there is no charm to preserve the mental or physical health of convicts in the performance of labour in the mere presence of each other—for our opponents contend, that no conversation by words or even signs or looks ought to be permitted, or in fact exists in their favourite model at Auburn; (a statement which we shall hereafter prove to be erroneous.) The remarks which we have just made refer to the relative humanity of the two opposite systems *during the hours of labour.* At night and on Sundays, &c. solitary confinement is also practiced at Auburn; we believe that it will not be again contended, that a residence in the small, narrow, dimly lighted, impure and wretched dens of this horrid institution will be as conducive to health and comfort as in our admirable Penitentiaries. In the latter establishments, exercise, or labour, in the open air, when requisite, will be performed; subject to the restrictions mentioned in our second number.

It was never intended by the friends of our system, even by those who were opposed to the introduction of labour, to deprive the convicts of *exercise*, of books, of instruction and of

*suitable* society. Our Commissioners however have imputed to them the most absurd, inconsistent and unheard of devices. They have expended whole pages of their report in combatting a plan existing only in their own imaginations; we entreat our readers to examine their essay, they will derive amusement if not edification from the perusal.

In relation to exercise in our Penitentiaries, they state (Com. Rt. p. 49) that the "airing yards are without cover, and therefore exposed to rain, snow and inclement air," consequently that they are not adapted for exercise! Unfortunate convicts, doomed by the tyranny of our laws to take exercise in the *open air;* how foreign to your previous luxurious and effeminate habits; how different your lot from the rest of mankind, who never venture into the open air, but in covered coaches; why was not your Penitentiary covered with a roof of glass, that the winds of heaven might not visit your tender frames too roughly? Why was no hot house provided for your recreation wherein ye might exercise without contracting colds or consumption? We trust that this barbarous omission will be rectified.

In relation to *books* our Commissioners are equally felicitous in their predictions; they state (Com. Rt. p. 36) that many of the convicts will be unable to read, and they presume that it is not intended to instruct them in reading. Even this work of supererogation is contemplated; for we, in our ignorance, have indulged a suspicion that furnishing books to a convict ignorant of letters, was not intended by our philanthropists merely for the purpose of tantalizing him. Our Commissioners appear to have a glimmering suspicion that this visionary design may possibly have been once entertained, but they conclude unanswerably, that the *expense* of instructing these convicts will be an insurmountable objection. We refer them for an answer to the 2000 zealous, unpaid, but not unrewarded teachers in the Sunday schools of Philadelphia. The difficulty will consist not in *procuring*, but in *selecting* teachers from the host who will press forward to labour in this productive field of benevolence. Never, whilst our missionaries are sent to the uttermost parts of the earth, on their dangerous and expensive errands of mercy, will our citizens forget the scriptural injunctions to visit and relieve the prisoner. We need not therefore refute the strange and unfounded idea of our Commissioners, that religion, as well as learning, is to be carefully excluded from our Penitentiary, as they were from their admired Auburn prison. The mere idea of such a consummation of atrocious cruelty never sullied even the imagination of the advocates of our Penitentiary sys-

tem. To repel such a charge by argument would be almost a reflection on their reputation.

Our Commissioners terminate their strange paragraph by expressing their apprehension that the perusal of the scriptures in solitude, without instruction or labour, will produce mental derangement; we do not apprehend this dangerous result from the precepts of our religion, which silence and seclusion from the world will render more impressive and convincing; at all events, we do not concur with the advocates of Auburn in the supposition that the discipline of the cowskin will cause those precepts to be more relished or remembered: we believe that a convict whose lacerated limbs are still writhing and reeking from the scourge, is not in the frame of mind best adapted to receive the admonitions, or to enjoy the consolations of a religion breathing mercy and forgiveness.

Our Commissioners seem to be aware that the humane feelings of our citizens would make them revolt at the recommendation of the Auburn system, if the *lash* were considered as an essential accompaniment. They therefore express an opinion that the scourge may be probably dispensed with, and the discipline perhaps preserved by other means; but this momentary feeling of the Commissioners appears to have yielded to their deeply rooted admiration of Auburn; and they therefore devote nearly four pages of their report to an elaborate eulogium on the efficacy of the cowskin as an infallible panacea for crime. They maintain that the infliction of whipping is not in opposition to "any principle of our political constitution, or of any reason of morals." Com. Rt. p. 75. That it is a venerable species of punishment recommended in holy writ; and finally that it was sanctioned in the code of Pennsylvania, &c. In reply to their statements we may remark that *all cruel punishments* are expressly forbidden, both by the letter and spirit of our constitution, as well as by every principle of reason, morals or religion. That whipping is a cruel punishment in the opinions of our citizens, may be presumed from the repeal of those *venerable* laws, which are so much admired by our Commissioners. The genius and humanity of our great founder and law-giver at once expunged from our code, almost every vestige of the cruel and absurd enactments of the barbarism of the dark ages. Where so much amelioration has been accomplished, our admiration and gratitude will be more justly and more cheerfully bestowed than our censure on his memory, because something was almost necessarily left undone. Corporal punishments are not in harmony with the institutions, nor have they increased the

fame of our benevolent legislator. They resemble the dark but minute spots on the sun, which, adding nothing to its brilliancy, would diminish its splendour, if they were not overpowered and rendered invisible by the surpassing effulgence which surrounds them.

If our Commissioners deemed the sanction of the scourge in the Mosaic law applicable to the institutions of Christian countries, why have they not adopted the other punishments of that code? consistency would require them to recommend stoning to death, and the other revolting inflictions, which, we are informed in the Scriptures, were intended only for a peculiar people, and given to them "on account of the hardness of their hearts."

Our Commissioners infer (Com. Rt. p. 75,) that our citizens have "no great reason to be shocked at a proposal of administering" the lash, which has been so long used to maintain naval and military discipline. The cases are not analogous. In the Penitentiary no *immediate* evil of importance may result from the negligence, or sometimes even from the misconduct, of a convict. A fleet may be lost, or an army annihilated, from the indolence or insubordination of a sailor or a soldier. The misconduct of a sentinel, or of a helmsman, may be fatal in its tendency: *instantaneous* obedience is required; there is no time to reason or expostulate; moreover, sailors have been *previously* accustomed to the lash, it is not therefore *equally* revolting to their feelings. We may however observe that other punishments have also been adopted in our navy which appeal to other physical and moral feelings; that such punishments have been found to be efficacious; that flogging is not as much practised in our navy as in the inferior marine of some other nations.

Decatur, the brightest star in the splendid galaxy of our naval heroes, was most decidedly opposed to the use of the lash. Admiral Nelson and Lord Collingwood, names which no eulogy can render more illustrious, were strenuous opponents of this *sine qua non* of the great majority of naval disciplinarians. In the armies of France flogging is never, and in the armies of Prussia very rarely practiced—although death is too frequently inflicted, (sometimes in lieu of it.) We do not, however, venture to decide whether the last be indispensable for the maintenance of naval or military discipline.

In our army it has been abolished, and perhaps benefit may result from the regulation. In this city, at the marine barracks, solitary confinement has been substituted in lieu of it: we request our readers to refer to the letter of Colonel Miller to Roberts Vaux, of this city, (published January 8,

1828.) The superior efficacy of the new discipline is described in language alike creditable to the heart and head of the humane commander.

It is not the mere *physical* suffering resulting from the lash which we deprecate; but the injurious *moral* effects: the *degradation* of the sufferer—the annihilation of all self-respect—the creation of deep, malignant, implacable feelings of revenge. Terror and pain may produce temporary submission; may apparently repress the manifestation of pride indignant at humiliation; but when the restraint is removed, the smothered fire will burst out the more fiercely with incontrollable fury.

We are aware that a relaxation in the inhuman discipline at Auburn has been effected; that the scourge is not in *incessant* action; the *diminution* of evil in that institution may be partly attributed to this circumstance; but, notwithstanding the recent letter of Mr. Powers to our Commissioners, (printed at Harrisburg, 1829,) we have the clearest and most undoubted evidence that much cruel and atrocious severity continues to be practised; evidence derived from persons who have been connected with that prison—and their statements have been confirmed by those who have been subjected to the discipline, who had no motive to induce them to practice deception; confirmatory testimony imprinted on their bodies cannot be disproved. The frequent, or even the actual infliction of the lash is not necessary to produce the baneful effects which we have previously described: the spectacle of its infliction on *others*—the mere power of inflicting it on all, is sufficient: it is always present to the *imagination;* it galls the feelings even when it does not lacerate the body. We do not rely on the statement of Mr. Powers respecting the severity and frequency of this punishment, nor can we assent to his opinion on its tendency. In the letter of this ex-jailer, in which he arrays himself against Mr. Livingston, it appears that human nature exists at *Auburn* with characteristics at variance with the well known attributes of the rest of mankind; that cruel and severe punishments produce *no exasperation* of feeling, nor even alienation of the *affections* of the convicts: that scourging is especially acceptable to them; that gratitude, not revenge, is the sentiment excited by the administration of the scourge. If our readers relish the exhibition of ludicrous absurdity, they will find materials for their entertainment in this Auburn epistle. In China, as we read in the nursery tales, it is customary for a Mandarin to bestow the use of his cane with profuse liberality on the shoulders of any of the populace whom he may suppose to require this mark of his paternal regard; the

sufferer on his bended knees, with due humility, and doubtless equally sincere gratitude, reverently thanks him for the pains he has taken with his education. We had heretofore supposed, very erroneously it appears, that this was one of the peculiarities of that remote region.

We regret that we have consumed our time and trespassed on the patience of our readers by an examination of the effects of the scourge. It is unnecessary to give the details of the mass of evidence which is in our possession, to prove that the lash hardens but never reforms the criminal. We believe that *our* citizens will not retrograde in humanity and civilization, by reviving or establishing any species of torture in Pennsylvania.

We believe that our readers will concur with us in opinion that, as far as the questions which we have examined are concerned, solitary confinement cannot be deemed a *cruel* punishment. Cruelty is the *unnecessary* infliction of pain; all punishments are necessarily painful—are intended to be severe, to prevent the repetition or imitation of crime. The ultimate benefit conferred, even on the criminal himself, renders such severity a measure of real humanity: more expanded views of benevolence, a regard to the welfare of *society*, renders such severity not only justifiable but obligatory. The removal of physical disease may be attended with pain; but who ever supposed the agent of such removal liable to the imputation of cruelty? The abatement of moral disease—the restoration of criminals to happiness and usefulness—would justify measures far more severe than those we advocate, if such measures be insufficient.

One feature of our system has not been examined: its peculiar adaptation to the respective guilt of each convict; each individual will necessarily be made the instrument of his own punishment—his conscience will be the avenger of society.

The peculiar tendency of solitary confinement to produce mental and bodily disease, has been urged by our opponents.

All confinement, all suffering, has in some measure this tendency: mere separation from the society of former friends and associates; the absence of customary occupations and amusements; the deprivations of habitual comforts and enjoyments; the degradation of conviction and exposure; the disgrace conferred on relatives and connexions; the suffering of a family left destitute of support; any or all of these causes must, in some degree, painfully effect the minds of even the most hardened. If to these predisposing causes of disease we add the ravages of previous dissipation, we shall not be

astonished at the mortality observable in even the best regulated prisons.* It is however obvious that the majority of the causes which we have enumerated, are less effective in solitary than in associated confinement, as practised at Auburn: we might therefore argue *a priori* that the former would be certainly not more prejudicial to health than the latter. *Experience* confirms the correctness of this opinion. We have shown in our third number that the cases of disease in the solitary cells at Auburn, Richmond and in Maine, were most unquestionably attributable to the inhuman cruelty which was wantonly and absurdly connected with the experiments; a smilar cause will never produce such effects in Pennsylvania. In our fourth number we proved that the testimony adduced by our Commissioners, respecting the existence of disease resulting from our discipline in Europe, was garbled; that the evidence, if correctly quoted, proved the very *reverse of their* opinion. We might now produce a mass of unanswerable testimony to prove that the experience of Europe, as well as of this country, demonstrates that a well regulated system of solitary confinement is not prejudicial to health. As the details would occupy an unreasonable space, we will merely therefore select a few.

1. Even at Auburn, *when disease had been produced* by cruelty and close and absolute solitary confinement, *fresh air and light labour restores the sick to health;* (Com. Rt. p. 45.) The prevention, and not merely the cure of disease, will be accomplished by these means, constantly and regularly used in our Penitentiaries.

2. At Richmond, the superintendent states that the health of those confined in solitude will be preserved if labour be permitted, (we refer to his evidence contained in our fourth number.)

3. In New Jersey, exercise in the open air was formerly neglected, but subsequently occasional exercise and instruction have been introduced. Our Commissioners state "that nothing of *value* as testimony upon the point we are now discussing (health) is to be derived from this prison. If they attach the term *valuable* only to evidence which may be in their *favour*, they are correct in their opinion; but we believe our readers will think differently. In the first Boston report, which we have previously quoted, p. 14, it is expressly stated, both from the evidence of inspection and the testimony of the keeper, Mr. Labaw, that the health of the prisoners was remarkably good: the solitary confinement

* The mortality among this class when at liberty is well known to be great, in fact even greater than when in prison.

was here inflicted for years; and in the letter of Mr. Labaw to our eminent fellow citizen Dr. Mease, it is expressly stated that no injury to their mental faculties was the result.

4. In the prison at Philadelphia the testimony is nearly to the same effect: we refer to the letter of Dr. Bache, the physician of that establishment, and to the certificates of the keepers which have been published; also to the reports of the inspectors and commissioners of our prisons, and to the minutes and memorials of the Philadelphia Society for alleviating the miseries of public prisons.

5. In Great Britain the evidence is equally in our favour; we never, in our travels in Europe, heard even a suspicion expressed by those who were conversant with prisons, that a well regulated system of solitary confinement was prejudicial to health. Some of the opponents of our theory in this country, have referred to the extensive and fatal disease which a few years since occurred at the National Penitentiary at Millbank, where a large portion of the convicts are confined in solitude. But as this disease prevailed among *all* the prisoners, their inference would be erroneous even if the peculiar cause of that disorder had not been expressly stated in "the Report on the state of the Millbank Penitentiary, printed by order of the House of Commons, in 1823." The disorder was cured, and the subsequent annual reports state that health again prevails among all classes of the inmates.

In the numerous investigations which have been made by the various committees of the House of Commons on the state of jails, as well as in the minute and careful examinations which have been instituted by benevolent individuals, and by the acting committee of the London Prison Discipline Society, no evidence has appeared respecting the unfavourable effect of our system on the health of prisoners.

In our fifth number we gave a brief abstract of the extensive experience of the benevolent Paul, and of William Brutton, the governor of the jail at Devizes; we might fill these pages with similar statements, proving, incontrovertibly, that neither physical disease nor mental alienation, nor even despondency, were produced in the prisoners who have been subjected to this discipline.

Counterfeiting illness or madness is frequently resorted to by convicts to obtain a release from confinement. Some of the cases, in the United States, at Auburn, &c. referred to by our Commissioners, were unquestionably of this description; hereditary or other predisposing causes have occasioned some of the remainder, and we regret to state that the atrocious cruelty which has been practised at Auburn, at Richmond,

and in the state of Maine, too clearly proves the cause to which we must assign the destruction of the health and mental faculties of the remainder. When so many extraneous and powerful causes of evil have been permitted to exert their baneful influence, we may rather express our astonishment at the *paucity*, than at the number of disasters which have occurred. As *these* causes will not exist at *our* Penitentiaries, no similar evils will be experienced. The *abuse* of our system ought not to be urged as a reason for its rejection, particularly when such abuse can never be perpetrated in Pennsylvania.

To the hypothetical arguments of our opponents we have endeavoured to reply by a similar species of reasoning; and we have proved that long continued, extensive and invariable *experience*—the surest test of the truth of theories—is in accordance with our opinions. Isolated cases of madness occur among all classes of society: the prisoner in his dungeon is not more exempt than the monarch on his throne. Even if it could be proved that a *few* cases of derangement would *necessarily* result from solitary confinement, which in the great majority of instances is productive of such incalculable benefit, we would reply that better, far better, would it be for society that the convict should become even a madman, than that he should retain those faculties which he had abused, and which no means of punishment would induce him to devote to the reparation of the wrongs he had perpetrated.

Our Commissioners are not aware that, *even at present*, their favourite institution at *Auburn* is liable to that imputation which they have endeavoured to attach to our system. Mr. Powers, the ex-jailer, expressly admits that "with all the privileges enjoyed by the convicts at Auburn," (the cowskin, and other comforts, we presume) "insanity is no uncommon occurrence. There are several now [1828] more or less insane." Powers' account, &c. p. 85.

We believe, therefore, that we may conclude that solitary confinement is not a punishment unreasonably severe; the charge of cruelty may be safely repelled by a reference to the long list of zealous and intelligent philanthropists who have advocated its adoption.

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## No. X.

We propose to enquire whether solitary confinement be efficacious as a means of reform. The evils attending the

commission of crime, and the alarming increase in the number* and atrocity of offenders, have forcibly attracted the public attention. The reformation of criminals is regarded as a desideratum; by the selfish, from a regard to their interests; by the patriotic and benevolent, from a regard to the welfare of society, and the temporal and eternal happiness of the offenders; by the experienced it is regarded not merely as desirable, but also as practicable.

That religion and policy alike dictate the adoption of mercy, of kindness and forbearance in the infliction of reformatory punishments, we presume it is unnecessary to demonstrate; the infliction of pain, misery and terror on our offending brethren, has not been entrusted to fallible and erring mortals, by that Being who has emphatically prohibited retaliation by the declaration—"Vengeance is mine, I will repay."

The reformation of convicts may be effected either by radical alteration of their dispositions, by instruction, &c. or by the application of punishment sufficiently severe to deter them from a repetition of crime. Both these means are admirably combined in our system. In solitude the progress of corruption is arrested; no additional contamination can be received or communicated; no exposure produces fatal degradation by the destruction of every principle of shame, or of self respect, of every hope of restoration to character and the enjoyment of society. The convict in his cell will be compelled to reflect on the error of his ways, to listen to the reproaches of conscience, to the expostulations of religion; the language of mercy, of kindness and sympathy will not be applied to him in vain: humiliation may be produced without mortification: none will be present to sustain him in pride and to aid him by evil example; none to deride his repentance, or to eradicate his reviving or newly created resolutions of reform; no revolting cruelty will urge him to desperation or prompt him to meditate on retaliation when released, by deep, malignant, reckless revenge.

Our Commissioners however are of a different opinion; they doubt "whether a thorough reformation of the heart and disposition of the great mass of convicts is likely to be effected, under *any* species of prison discipline;" "at all events they are unable to anticipate such results from the system of *solitude*." Com. Rt. p. 72. They do not believe "that any great benefit is to be expected from appeals to the rea-

*The number of commitments to the prisons in Philadelphia have amounted to 4000 per annum, for the last three years; the individuals who are *thus instructed in crime* in these institutions, exceed in number those who are educated at the public expense in our common *public* schools.

son, or to the moral cause," of such persons; and "that there could be but one kind of argument addressed (to them) with any hope of success, one namely that came home to their sense of *bodily suffering*. Appeals to the reason or consciences of such persons must, from the nature of things, be utterly ineffectual: more especially do we ('they') think, that *severe personal punishments ought to be inflicted* for the violation of prison discipline:" hence their admiration of the cowskin and their enthusiastic recommendation of Auburn.

The impracticability of reformation has been immemorially a standing theme of the advocates of imperfect institutions; a frequent and effective means of the continuance and increase of abuses, an obstacle opposed to almost every noble plan of amelioration. The experience of our readers will render unnecessary any illustrations of a species of cant which has been applied to every proposed improvement in morals, in government and in legislation. It was only yesterday that Newgate remained in a state of primitive, undisturbed abomination; the efforts of Howard, and of other philanthropists, to diminish its horrors, had been expended in vain; reformers had ceased from their exertions, despairing of success, when a member of that benevolent sect, whose name is characteristic of their creed and their practice, a female Friend, resumed the task which men had abandoned: one of that delicate and refined sex to whom the exhibition of vice is especially revolting; to whom the horrors of oppression and misery are peculiarly appalling; to whom impurity is instinctively loathsome; but whose holy devotion to duty is paid with more fervour from a knowledge of the magnitude and necessity of the sacrifice, successfully removed the doubts of the most incredulous: the enormous and ancient mass of abuse was prostrated, and Newgate is now visited by admiring spectators as a philosophical curiosity, with other feelings than those of hopeless regret, or of unmingled reprobation. These well known efforts of Mrs. Fry have placed her name at the head of that honoured catalogue of philanthropists whose memory will be cherished in the hearts of the myriads who may be indebted to their benevolence. The beneficial effects of her exertions are too well known to require any enumeration; they have been repeatedly and gratefully acknowledged in Parliament, and by the public press. Her unexpected success in the previously hopeless measure of reformation, under the most unfavourable circumstances, has stimulated many of her benevolent sex to imitate her noble example. Ladies' committees, as these unassuming but meritorious associations are styled, have been formed throughout Great Britain and Ireland, and

in many other countries in Europe. Ere long the ladies of America, second to none in the cause of mercy, will rival them in their usefulness.*

We need not refer to the voluminous evidence in our possession, to prove that a degree of reformation in a majority of convicts has been effected even by very imperfect means of discipline. The authorities, to which we have frequently referred in these essays, are replete with such information. It will require stronger evidence than that of our Commissioners to convince us that such reformation has not been accomplished, much more that it is impracticable. We are forbidden to despair of the reform of any human being, whatever may be his measure of depravity, however improbable we deem our success. The design of an all-wise Providence in the prolongation of human existence, ought not to be forgotten, far less neglected, through the presumption or indolence of man. Duty requires the effort, whatever may be the result. Universal success is expected only by the visionary advocates of the perfectability of human nature: that penitentiary, or any other species of discipline, will be an effectual and *infallible* means of eradicating the criminal propensities of *all* who may be subjected to its operations, is a belief entertained only by the visionary. Those even who have the strongest of human motives to retain them in the paths of duty, too frequently are led astray. A long and well spent life, the character of the individual, of his family, and of his relations, and the feelings of his friends, the almost certain prospect of detection, and its dreaded consequences, the scorn and contempt of society, and even the retribution of the world to come, are too frequently but feeble barriers against temptation. If, therefore, those to whom virtuous conduct, (or what is conventionally so called,) has long been habitual, sometimes fall, notwithstanding their many advantages, is it reasonable to suppose that convicts alone can be rendered immaculate and infallible—convicts who have been surrounded by temptation to error from the cradle to the grave, whose lives have been but one prolonged crime, and in whom vice has become a habit. No system of penitentiary discipline, however excellent or generally successful, can alter

*For more than *twenty* years, the female department of the prison in Philadelphia has been visited by a committee of benevolent females. Their meritorious exertions (although unknown to fame) were prior to those of Mrs. Fry, and the condition of the department of the prison which they have ameliorated is as much advanced as Newgate. The state of each is imperfect. The Walnut street prison will, however, be demolished in 1834. Newgate, we fear, will long continue to disgrace the British metropolis. The labours of Mrs. Fry deserve only more commendation from the circumstance that more was to be accomplished than in our prison, which had been improved in 1790. The female department of our new prison will, *we earnestly hope, be entrusted to the care of a matron.* (1833.)

the laws of human nature, which experience has shown are alone unchangeable.

Every person who is familiar with the practical operation of prison discipline, or who even reflects for a moment on the difficulty of eradicating long cherished and inveterate habits of transgression, will candidly acknowledge the difficulty, and, in too many cases, the forlorn hope of accomplishing "a thorough reformation of the heart and disposition" of a hardened, depraved, shameless veteran in vice, of a thrice convicted felon, whose conscience is dormant, seared and *apparently* extinct. All experience demonstrates that the radical reformation of the *great majority* of these our erring brethren is not to be expected from the application of any human efforts. The leprous infection pervades the whole system, and appears to be almost a constitutional taint. The physician of the soul, more fortunate than the physician of the body, should never despair, however unfavourable may be the condition of his patients. Even in the very hour of dissolution some may at length be rescued. The clouds and darkness of the most stormy day are sometimes dissipated at its termination by that brilliant light which foretells the clearness of the morrow. The reformation even of one old convict is of some importance; the reformation of a few is even practicable, if our system be faithfully administered: and we earnestly request our readers to consider that even if none of this class be *improved*, at least they cannot be *further corrupted* by our discipline, nor can they corrupt others—a corruption which heretofore has been the most prolific source of crime: moreover when such convicts shall be discharged from prison, they will retain the salutary remembrance of their sufferings in confinement. They will either abstain from committing offences which may again subject them to imprisonment, or they will abandon the state and pursue their vocation in other lands. This is not a mere visionary theory. Such has been invariably the case in other countries where our system has been tried. Our readers will perceive in the extracts quoted in these essays, some evidence which amounts to a demonstration of this fact. Our readers, however, are probably aware that the *great majority* of persons who will be sentenced to our prisons will not be *old convicts*, but persons who, for the *first time*, will enter a prison, and on whom our system may be expected to produce the best effects. There are doubtless *some* to whom all the efforts of education, of religion, of punishment, may be applied in vain: there have been individuals on whom the judgments and the mercies of the Almighty, and the expostulations of his inspired

messengers, have been fruitlessly bestowed; but if the reformation of *all* be impracticable, *is nothing to be attempted?* The voice of religion and experience cry aloud against the horrid, hopeless, desponding theory of our Commissioners. The publication of their opinions on this subject excited but one feeling of dissent among our citizens; it has impaired, or destroyed all confidence in their theory, founded on this monstrous and appalling heresy. Hence we are not surprised at their inconsistency in *recently* submitting to the Legislature, as an appendix to their report, a letter of Mr. Powers, containing statements at variance with the fundamental doctrines of their essay.† From this letter it would *appear* that even at Auburn the reformation of the majority of convicts is effected. We have no doubt of the *partial* accuracy of the statement. Notwithstanding the obstacles to reform which exist in that institution, we believe that the solitary confinement at night, and on Sundays, the partial prevention of intercourse, and the recent introduction of education, religion, &c. have effected some *reformation:* the severity of the discipline has also deterred the convicts from an open repetition of punishable crimes. A success *greater* than that *alleged* to exist at Auburn has been frequently effected by institutions far less celebrated. The reform *actually* produced, has been effected by means not *peculiar* to Auburn. The system of cruelty and association has diminished, not promoted, that reformation. An analysis of the evidence respecting the individual cases of reformed convicts, by no means sustains the partial and exaggerated conclusion of Mr. Powers; on a slender foundation he has erected a superstructure which his materials are insufficient to sustain; the mere *non-commission* of notorious crime, the slightest amendment in the previously abandoned habits of the discharged convicts of his prison, seem to be sufficient in many cases to induce him to place their names in the list of reformed criminals. We will not *at present* submit any of our objections to the evidence he has collected. We will not state the peculiar or partial manner in which it was frequently obtained. We will not comment on the evidence which has been *withheld*, for it is unnecessary *at present.* Assuming therefore (merely for the argument) the correctness of the statement of facts, may we not *inquire whether this be all the boasted system of Auburn has effected?* How far inferior is the result, *as stated by its partial and interested advocates*, to the reform effected by solitary confinement; a reform, sustained by evidence the most incontrovertible; evidence derived, not

† The extract from the report of the Inspectors of the Auburn prison, which is given in the Com. Rt. p. 69, exhibits evidence of similar facts.

from one, but from an immense number of prisons, situated in countries the most remote and different from each other?

The period which has elapsed since the discharge of these convicts from Auburn has been too short to test the permanence of the effect of that prison on its quondam inmates. A few years will largely diminish the reformed list of Mr. Powers: alteration of habits (not of disposition) when *chiefly* effected by means of terror and cruelty, will be, in many cases, only temporary or ostensible. The discharged tenants of Penitentiaries have frequently no settled home; if *unreformed*, emigration to other states, where a repetition of crime will not again subject them to punishments of equal severity, will be frequently accomplished; (this benefit of course ceases when a similar system prevails in all the states.) Mr. Powers will discover, if he should deem it *expedient* to make the inquiry, that *some* of his discharged convicts have been, and are at present, engaged, not in "honest industry," but in their accustomed vocation of forced employment, in other prisons. The blanks in his list may be consequently partly filled.

In addition to the details of the Auburn system, to which we have adverted in several of our essays, we intended to describe some features with more minuteness. Our limited space will not permit us to accomplish our design. This will however be performed by an individual far more competent to the task; we will therefore merely subjoin a few remarks on the *intercourse* between the convicts in that prison.

Our Commissioners, throughout their report, repeatedly admit the evils resulting from any intercourse between convicts in prison—that it should be prevented at any hazard; that its existence is incompatible with any efficacious discipline. *Their report is founded on this opinion.* They repeatedly state that none exists at Auburn, and that their personal inspection convinced them that such was unquestionably the fact.

How far the experience of our Commissioners can be deemed conclusive, may be estimated from a single circumstance; they are novices in prison discipline, and the *aggregate* length of time employed by them in the actual inspection of the few prisons which were visited by them in pursuance of their appointment, did not (as we are credibly informed) exceed a single day. At Auburn they spent but a few hours, and could not therefore have witnessed the operations of a whole day; their repeated appeals to their personal examination of an institution which can only be understood by frequent visits, fail to convince us of their knowledge. It is to no purpose that

they assure us that certain alleged abuses (cruelty, intercourse, &c.) do not exist, because their rapid glance did not *observe* them,* mere negative statements are insufficient to disprove positive affirmative testimony. Viewing this question as one of mere probability, we would inquire whether the vigilance of Argus could prevent all intercourse, by signs or other means, among a number of convicts in close contact with each other? We know that one of our Commissioners not only supposed that no intercourse existed, but that their attention was so rivetted to their work, that no recognition of the persons of each other after their discharge could occur! We have accounts of many prisons in which a non-intercourse was attempted, and by some supposed to exist;† but the evidence when obtained always disproved the statement. Auburn, notwithstanding all the assurances of its advocates, furnishes no exception to the rule. It was visited by two of our experienced, candid and intelligent inspectors, Mr. Samuel R. Wood and Thomas Bradford; each of whom expended three days in the investigation. "The report of the Commissioners of the Eastern Penitentiary, printed at Harrisburg, 1828," contains some extracts from their evidence. Some additional statements we are informed will be communicated to the public. It was ascertained that *conversation between the prisoners when in their cells was physically practicable, and that it was frequently maintained.* As the mere testimony of the convicts on this subject (however uniform and given when apart from each other) may be deemed exceptionable, a demonstration of its truth was afforded; some convicts, who were not acquainted with Mr. Wood personally, in their interviews (which were specially permitted by Mr. Powers) addressed him by his name, stated the subjects of his conversations with other prisoners, by whom they had been communicated. They stated that conversation when they were in their cells, was subject to interruption, but was nevertheless practiced. Similar testimony, supported by similar proof, was given in relation to their intercourse when in their yards and workshops. Evidence of the constant infliction of great severity, and of the occurrence of cruelty, was furnished to Mr. Wood, not only by the convicts, but by others who were

*The brief and incomplete examinations of Auburn, which have been heretofore made, have led to erroneous conclusions; even the long examination of the Committee of the New York Legislature (1825) was defective.

†At Weathersfield the two convicts, Teller and Cæsar, who were recently executed for the murder of their keeper, confessed that for two years they had been in concert contriving plans for escape. We believe that no person conversant with any of the prisons in which the Auburn system has been introduced, *now* (1833) maintains that no intercourse whatever exists. They only contend that it is limited or restricted. Their hypothesis could be sustained no longer. The very *foundation stone* of their system has manifested irreparable unsoundness. (1833.)

acquainted, or had been connected with the administration of the institution. These statements Mr. W. is prepared to confirm by his affirmation. The elevated characters of the gentlemen whom we have named, render any further proof unnecessary. We trust that hereafter no assertion of the non-intercourse of prisoners at Auburn will be attempted.

Our Commissioners state that as no intercourse prevails among the Auburn convicts, the mere sight of each other can be productive of no injury. If the premises were correct, the inference is erroneous; as we endeavoured to prove in our former numbers: (the diminution of reflection, the support of mutual countenance, personal degradation, the consequences of recognition, &c.) nevertheless they remark, Com. Rt. p. 29, "Those who aver their belief to the contrary, have not, as far as we have been able to ascertain, supported their averments by *any specification of the manner in which the contagion may be communicated; or by any evidence of facts derived from existing prisons.* It may be remarked in addition, that if the mere consciousness of the neighbouring presence of other convicts be criminating and injurious, then the knowledge that convicts are in adjoining cells must also excite a feeling of companionship, *equally prejudicial;* and for that reason, even this kind of confinement should be avoided, and the cells ought to be built, no matter at what expense, *at a considerable distance from each other!*"

We believe that our readers will deem any comment on this passage superfluous.

It has been suggested that intercourse by means of conversation will also prevail in our Penitentiary; that the prisoners will be enabled to effect this by means of the tubes conveying heated air into their cells. The experiment of an attempted conversation by two parties in adjoining cells has been repeatedly tried: it was utterly impracticable. It has been supposed that the prisoners can converse when they are in their working yards; but no adjoining or neighbouring yards will be occupied at the *same time.* *Screaming* could undoubtedly be heard, but not without the knowledge of the *keeper also.*

An objection has been made to our Penitentiary from the alleged difficulty or impossibility of inspection; that the keeper in the central edifice cannot, from that station, see into the interior of the cells or yards, as some persons originally supposed; we know of no such persons; that stone walls were not transparent was known prior to the erection of that prison. The keeper can traverse the covered passages and thoroughly inspect the interior of every cell by a peculiar con-

trivance; his examination will not be known by the prisoners. From the central building he can inspect all the corridors by which the superintendents convey food, &c. to the prisoners: he can command the tops of the yard walls of the cells, and thus detect any attempt at escalade. The Commissioners urge as an objection, that the *whole* interior of the yard cannot be seen from this point. On any plan this would be practicable only by the birds of the air. Continual inspection is not however requisite in solitary confinement; it is indispensable, although not completely effectual, when association is permitted.

Secondly, the efficacy of solitary confinement as a means of producing reform, is not a question of mere abstract speculation, but of actual experience.

In our preceding numbers we have incidentally introduced or referred to sufficient evidence to support this position. Those who have hitherto discussed this subject have usually confined their remarks to the limited experience in Pennsylvania, and a few of the remaining states of our confederacy. The mass of European testimony has been either unknown or neglected. We have prepared a large number of testimonials which we intended to introduce into these essays; but as they have been already protracted beyond our expectation, and perhaps the patience of our readers, we will omit *for the present* the greater portion, and merely select a few from the list.

1. Pennsylvania. The numerous publications which have continually been submitted to our citizens, in relation to the history and the theoretical and experimental efficacy of solitary confinement in our Penitentiary, are too familiar to them to require any repetition from us. The sources of information indicated in our previous numbers, may be consulted by our inquiring readers. We have previously observed that a powerful argument in favour of our system, is the well known fact that those of our citizens who have carefully studied or who have been connected with the administration of our Penitentiary, are most ardently and unanimously desirous of its continuance, extension and improvement.*

2. New Jersey. Our Commissioners imagine that no evidence on the present subject can be obtained from the prison of this state. We will again quote from their Boston report, p. 26, (1827.) "The superintendent of the New Jersey prison, Francis S. Labaw, says, the greatest improve-

*The reader is referred to the appendix to this pamphlet for further proof, obtained from four years experience in the new Penitentiary. (1833.)

ment that has been made or can be made in prison discipline, is by solitary confinement. The solitary cells in this prison, in which one fourth part of the whole number of prisoners are placed under sentence of the court, have answered all the purposes which it was expected they would, so far as a trial of them has been had. *No person who has been once confined in them has ever returned.*" The imprisonment in some cases continued for years; one person had been confined for three years and a half.†

3. Virginia. The superintendent of the Richmond Penitentiary, to whose evidence and experience we have previously referred, states, "there is perhaps no punishment that can be devised better calculated to keep vice in check than solitary confinement."

4. Auburn and Maine. The absurdity of referring to these pretended experiments of solitary confinement as a means of reform, has been discussed in our third number, &c. We might introduce the history of the experiments which have been performed in other parts of the union, but we have deemed it sufficient to confine our observations to those states mentioned by our Commissioners in order to prove the error of their opinions.

5. Gloucestershire. In our fourth number we alluded to the extensive experience of the intelligent and humane Paul. He states (p. 40, 23, 4, Minutes of Evidence before the Select Committee on Jails, &c.) that the system of solitary confinement succeeded beyond his most sanguine hopes, or the imagination of its projectors; that the moral character of the prisoners in general was greatly improved by this discipline; that it would reform even the most hardened criminal; and for seventeen years, during his supervision, *few or none had been subjected to a second imprisonment.* The evidence of Mr. Cunningham, in favour of our system, has also been alluded to previously.

6. Devizes. Mr. Brutton, the governor of this prison, where the system has long been tested, states its effects on the prisoners to be strong—more efficacious than any personal punishment, producing an aversion to return to prison—and that it is "the most effectual punishment that can be made use of." Min. of Evid. p. 359.

7. Glasgow. We have also previously stated the beneficial effect of solitary confinement at Glasgow on juvenile offenders, and the consequent diminution of crimes. The re-

† This prison was very defective in its structure. The Legislature have ordered it to be demolished, and another building to be erected "on the principle of separate confinement with labour, &c. as practised at the Eastern State Penitentiary of Pennsylvania." It is in rapid progress. (1833.)

formation of novices in guilt is obviously more practicable than that of adepts in crime, among whom further corruption may be impossible. The novice, especially, ought to be subjected to solitude: his character is not entirely destroyed; his conscience is more active; his sense of shame is not yet extinct; his person is not yet known to the convicts, nor has he yet formed any acquaintance with them. We believe this to be a subject of immense importance, and therefore cannot but express our regret that it is not made the basis of those otherwise excellent establishments in our country—the Houses of Refuge. In France and other parts of Europe, the greatest benefit has resulted from the infliction of solitary confinement on juvenile offenders. M. Villerme, in his celebrated work on Prisons, (Paris, 1820,) p. 171, 119, furnishes testimony in relation to the great benefit resulting from solitary confinement in France, and forcibly recommends its extension; he corroborates the statement of the Duke of Liancourt, "that it is the only species of imprisonment which reforms the criminal." The Governor of St. Pelagie, whose experience also entitles his opinions to attention, gave similar testimony to our respected fellow citizen Samuel R. Wood, when he visited his prison: one class of his convicts were confined only a portion of the time in solitude, the remainder of which, spent in association, counteracted all the improvement resulting from the solitary confinement—*he stated that it was impossible to prevent intercourse among them*, and that the confinement ought therefore always to be in solitude.

We have recently examined a paper containing a return of all the prisoners in France: 1,800 were in solitary confinement. We do not vouch for the accuracy of this statement.

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## No. XI.

We believe that we have already adduced sufficient testimony to establish the superior efficacy of our system as a means of preventing crime, both by *deterring* and *reforming* offenders.

The expense which some persons believe will attend the adoption of this discipline, has been frequently urged. The comparative expense is supposed by them to be greater: but this increase is *apparent* not *real*. The tax imposed on society by criminals may be divided into two parts: 1. The expense of maintaining them when convicted. 2. The expense of supporting them when at large. An examination of

either of these divisions will establish the superior economy of our system.

1. "The expense of maintaining them when convicted," may also be further divided into two parts: 1. The cost of the requisite buildings for their custody, the salaries of their superintendents, and the cost of their *board*, &c. 2. The compensation derived from their labour; the latter amount compared with the former will exhibit the loss or the profit to the community.

The buildings which constitute solitary cells, are unquestionably more expensive for any given number of cells or of convicts, *if the latter be all confined at the same period of time:* but if the position be established that solitude effects the great object of punishment, not only thoroughly and durably, but also more *expeditiously*, it is obvious that the specified number of convicts will require fewer cells than if the Auburn plan were adopted. The same number being confined, but for shorter periods. If, however, the number of criminals be *diminished* by our discipline—a further reduction of the number of cells, and consequently of the expense, may be effected. In comparing the plan of our Penitentiaries with those erected in imitation of the Auburn model, we must remember that the superior accommodations in our cells are such as humanity renders indispensable. The cells of Auburn are far inferior to them in this respect: parsimony has contracted their dimensions, and diminished their convenience. A larger expenditure would be indispensable in any prison where this system might be introduced: although the cost of a *given number* of cells for this purpose would be less than if our system were adopted, a due consideration of the preceding remarks will establish our opinion that the former is in fact the most expensive.

The number of convicts at any given time in prison being less, (if solitary confinement be the discipline,) and the necessity of superintendence to prevent intercourse being diminished, the amount payable for the "salaries of superintendents" for this purpose will be less, the medical services, provisions, clothes, &c. will not be more expensive; religious and literary instructions will be imparted by the gratuitous charity of the benevolent.

Our Commissioners who deem the Auburn model the beau ideal of a prison, and who do not therefore suppose that any attention or improvement will be necessary, state the cost of erecting that building, and of some others on a similar plan in New York and New England: as the convicts themselves were employed in the erection of some of the latter, and as

other circumstances contributed to diminish the cost of their structure, they, by a mere stroke of the pen, make a summary and suppositious estimate of their average cost, for the purpose of contrasting the comparative cost of our Penitentiaries intended for solitary confinement, and those on the Auburn model. The error of this plan of estimating is obvious. It reminds us of an anecdote related of one of our countrymen, who, intending to remove to England, and being accustomed to the use of wood as a fuel for his household, determined on his arrival there to continue its consumption; his estimates of the cost were founded on the price paid in his native country; this calculating economist would have discovered, on trying the experiment, that kindling his fire with a bank note would have harmonized with the cost of his fuel.

If a prison at Auburn cost a given sum, how much will a similar building cost at Philadelphia, is a question to which the rule of three cannot, in our estimation, give a correct solution. Building is notoriously expensive in large cities, peculiarly so in Philadelphia. The prison at Sing Sing is built on the margin of a navigable river; the scite containing the quarry whence the materials were extracted; the labourers were convicts. The requisite materials and labour at Auburn, Wethersfield, &c. were cheaply procured. Our architects have been exceedingly amused at this strange inroad of our Commissioners into their province. We need not state that the structure of even such a defective prison as Auburn presents, would, if situated here, cost far more than the Commissioners estimate.

We may here remark that *peculiar* causes have greatly increased the cost of our Eastern Penitentiary: a quicksand existed under part of the foundation; when it was discovered, much additional expense was required for the purpose of supporting the superstructure: large sums have been expended in giving an unusual degree of solidity and durability to every part of the edifice: the diminished annual cost of repairs ought therefore to be deducted from the capital expended in the original construction: a considerable sum has been expended, not in mere ornament, but in imparting a grave, severe and awful character to the external aspect of the building. The impression it is calculated to produce on the imagination of every passing spectator, will be peculiarly impressive, solemn and instructive. The architecture is in keeping with the design. We are not advocates of inconsistent or meretricious decoration; but we may express our gratification that no disgraceful parsimony rendered the aspect or arrangements of

this institution an opprobrium to the character of our commonwealth.*

The Commissioners have compensated for the deficiency in their estimates for cells on the *Auburn* plan, by profuse liberality in their estimates of the cost of the *solitary cells of our Penitentiary*, to which they have gratuitously added at least forty per cent. to the actual cost. The outer wall of this building is very extensive, for the wise purpose of affording an opportunity of increasing the number of cells hereafter, when it will be requisite from the increase of our population: thus avoiding the besetting sin which has paralysed or destroyed the beneficial operations of similar institutions elsewhere. The most expensive portion of the work is accomplished: the future addition of cells will be attended with comparatively small expense. The number intended for some years is only 266—it may be increased to 408, if the radiating plan be continued; and 410 in addition may be built in a quadrangle, the lines being parallel to the outer wall: the number may be still increased by the addition of second and third stories, similar to some other prisons in which solitary confinement is practised. In the latter case, an alteration of the regulations respecting the exercise of those in the second and third stories will be requisite; the plan pursued at Gloucester may be advantageously adopted.

The other remaining method of our Commissioners of estimating the cost of each cell, by dividing the cost of the *whole* permanent *establishment* by the number of cells in the *present plan*, is therefore erroneous. (Com. Rt. p. 47, 52, 54.)

They state that the number of cells is not sufficient to contain the number of convicts at present in the old jail in Philadelphia. Will not the number of criminals be extremely diminished when our system is in operation? The same objection was made in England; our readers may recollect the

*The cost of the large lot of ground, 12 acres, was of course great. The appropriations also were made by the Legislature late in the session. The consequent difficulty of procuring materials and workmen, increased the expenditure nearly twenty-five per cent.

The external wall has cost an enormous sum. A wall less lofty and composed of rubble masonry would cost much less and fulfil all the conditions which are perhaps absolutely necessary. The cells which were finished at the time the above essays were written, are buildings only one story in height, and each has a yard attached to it. *In the opinion of the writer*, blocks consisting of three or even four stories, and without yards, would be more economical and advantageous. This plan has in fact been adopted in the new prison for the county of Philadelphia. Yards of such small dimensions as those at the state Penitentiary are too small for the most beneficial exercise; they exclude the rays of the sun, obstruct ventilation, and render not only the area, but perhaps even the cells close and damp. As all these cells are on the ground floor, they are of course liable to the objections which have often been urged by physicians to such apartments. We are, however, pleased to remark that the four new blocks of cells at this Penitentiary have been made two stories high. Experience has also elicited several important improvements. (1833.)

result: in a short time the Penitentiaries where solitary confinement had been adopted were, in some cases, not half filled. The inconsistent opponents of the system now exclaimed against the extravagance of erecting such numerous cells. The memorable answer of Lord Mansfield, who advocated our theory, will not be soon forgotten. The surplus present number of convicts in the Philadelphia prison may be distributed temporarily elsewhere, until vacancies occur in the new Penitentiaries. The Penitentiary at Pittsburg, the Commissioners state, is not, nor for many years will be, *filled.* The idea did not occur to them that many of our surplus convicts could be sent to that establishment: but, in order to alarm the parsimonious, they state the cost of that structure, and the consequent annual interest or expense; this sum is divided among the *present limited number* of inmates, and the amount is given as the average partial cost of each convict to the state! Com. Rt. p. 39.

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## No. XII.

The second division of our subject now requires us to examine whether the labour of convicts in solitude will be profitable.

Our Commissioners believe that no inducement will exist to insure their industry; for they suppose that no further or additional punishment can be inflicted; that they will labour only when they wish to abate their *ennui* or tedium. In other parts of their report, where they represent solitude without labour as a grievous punishment, they state that employment is anxiously desired by the convict, as a refuge from the tedious monotony of idleness. We have given in our former numbers, statements from the evidence of persons of experience in this discipline, proving that labour will be, and invariably is, cheerfully and actively performed: but, if this fact had not been ascertained by repeated experience, are no means of additional punishment practicable? cannot his food be reduced in quantity, or debased in quality? cannot his bed be removed, his cell darkened, his daily exercise in the open air prohibited, and all society and books, &c. removed from the refractory. None but a maniac would encounter this discipline without succumbing. We speak of its application as a practicable and justifiable measure under proper restrictions, not as a necessary infliction. Experience has demonstrated that it will rarely be required.

Our Commissioners state the impracticability of labour in

close, impure, and small cells. They are larger than many work shops of honest, industrious and healthy mechanics in our city: they are also far better ventilated and warmed; they will also be cooler in summer from the thickness and structure of the walls and arched ceiling. They object that stone cannot be sawed in them, &c. Our mechanics do not saw stone, &c. in their apartments, but in the open air. They also state that a loom cannot be contained in the cells; some of our weavers differ from them in opinion. They complain of the exposure of some of the convicts, who will work in their yards in the open air: do not many of our citizens encounter this hardship daily? Sheds will be erected to protect them from the rain and snow; and as none will be permitted to work in adjoining yards, conversation will be impracticable. We grant that some trades cannot be exercised which are now conducted in Philadelphia, viz: those which require co-operation, but others may be substituted. We express no opinion as to the comparative value of solitary or associated labour. The opinion of Mr. Samuel R. Wood (whose candour, caution and experience, entitle him to great attention,) is, that, with proper attention, labour in solitude may be rendered equally productive in Philadelphia.* Our Commissioners have given a list of some of the employments, in several Penitentiaries in the different states, which they suppose cannot be advantageously performed in solitude: a perusal of this list will convince our readers that their opinions are partly erroneous. Again, some of these employments could not be advantageously introduced in this state under any system of imprisonment, associated or solitary. It would be more advantageous to inquire what occupation *had been or could be* beneficially pursued in *our present* prisons: the result would be unfavourable to the cause advocated by our Commissioners.

Our opponents refer to the productive labours of Auburn, Wethersfield and Sing Sing, as indicative of their superiority to our system: they state that such Penitentiaries can almost or entirely support themselves by the products of their industry; inferring a similar result if their plan were adopted in Pittsburg and Philadelphia. This saving in expense is by no means *peculiar* to their system; prisons conducted on the old corrupt plan so frequently reprobated, have sometimes produced the same results: local causes explain the reason; these causes never can exist with us. Such success, has, however,

*See the appendix, where this opinion is corroborated by experience. One great advantage of our system may be stated—the convicts may be permitted to use lights and work in the evening in their separate cells. This cannot be practised with safety at Auburn, &c. (1833.)

been always transient, never constant. The *new* prison at Wethersfield is stated as an instance of self-support, if not of profit. Admitting, for the sake of the argument, that such is the fact—peculiar efforts have been made to render this institution productive for *this, the first year of its existence*—can we imagine that this condition will *continue?*

Sing Sing is productive only in the future tense: it has not yet been tested; the mere prophecy of its conductor is no demonstration.*

Auburn has been heretofore unable to support itself. The last year has been the *most productive*, but, notwithstanding the apparent assertion of Mr. Powers to the contrary, it has not constituted an exception to our remarks. Auburn enjoys peculiar advantages of situation, &c. and therefore would not be equalled in the present respect in our Penitentiaries, if a similar system prevailed. We hope that a prison will never be regarded by our citizens as a mere huge factory, in which the operatives are incorrigible felons, and the primum mobile a never-tiring cowskin.

At the prison in Philadelphia every effort of the utmost vigilance and zeal has not enabled the Inspectors to maintain the institution by the proceeds of the labour performed: it is largely in debt, and will continue to require large yearly appropriations. We refer our readers to the reports of the Inspectors; to the interesting pamphlet of Dr. Mease on the Penitentiary; to the reports of the Inspectors and Directors of the several institutions named, and to the reports of the Boston Prison Discipline Society,† for more general and detailed information.

It has been clearly proved by the Commissioners of the Eastern Penitentiary, in their report of the last year, that if no labour whatever were practised in solitary confinement, the diminution in the requisite period spent in the prison, (which cannot be entirely compensated by the productive labour of the convicts) would render it less expensive than the present system.

The maintenance of criminals, *whilst they are in prison,* constitutes but a small portion of the actual enormous and unequal expense to which they subject society. The expense attending their trial and conviction, the maintenance of a

† Auburn and Wethersfield have continued to be productive, whilst Sing Sing has every year been an exhausting drain on the treasury of New York. (1833.)

* The atrocious charges which have recently been recklessly made respecting this institution, by the secretary of this society, are calumnies refuted not only by the integrity of the inspectors, but by their satisfactory statements made to the Legislature in 1831. (1833.)

numerous and vigilant police, to prevent, detect or punish offenders, &c. are onerous but indispensable. Criminals when not in prison, are supported at an increased cost by the public. The ravages of the incendiary, the fraud of the counterfeiter, the plunder by the burglar and robber compel the contribution of an unequal, a grievous, an incalculable tax on the members of society, who in general are least able to endure the exaction. The habits of the criminal tend to pauperism; always to idleness; he is a consumer, not a producer; his evil example occasions a wide spread corruption. What economist will inform us of the real cost of crime? The expenditures in the Penitentiary compose but an insignificant comparative item; that view is indeed contracted which is limited by its walls. If, however, our system can effect, not the extirpation, but the prevention or diminution of crime, to an unknown and unrivalled extent, the dictates of mere economy, of sordid self interest, as well as of humanity and religion, cry aloud for its adoption. The prime cost of an efficient labour saving machine is never considered by the intelligent and wealthy capitalist as a wasteful expenditure, but as a productive investment. Our Penitentiary will be strictly speaking an apparatus for the expeditious, certain and economical eradication of vice and the production of reformation.

The question of mere abstract expense is one, *at present*, of idle speculation; it has been decided by the actual erection of the buildings: one is completed, and four fifths of the other. Will Pennsylvania, a state whose resources are surpassed or equalled by none in the union, now, for the first time, sully her character by an unwise, inconsistent, disastrous and disgraceful parsimony? Will she deviate from her intended path, or arrest her march at the bidding of a few individuals. Will she reject the counsels of the experienced, the ardent entreaties of the benevolent, and the urgent demands of necessity? Will she who has led the way in almost every great improvement which has originated or been introduced into America, now disown a noble system, peculiarly her offspring; a system which has extended her glory throughout christendom, where it has been lauded and adopted; will she now submit to the miserable degradation of servilely copying an inhuman, a debasing, a degenerate institution, which her rival presumes to dictate to her? An institution which even that rival has purloined without acknowledgment, as she has conducted it without shame or remorse; and for what ostensible inducement? The mere *temporary* retention of a sum so

utterly insignificant that the cost of the very delay in contributing it has already nearly amounted to the pittance required.*

Will the state of Pennsylvania retrograde in *moral* whilst she is rapidly advancing in *physical improvement?* With a silent and unostentatious liberality she has widely expended (in conjunction with her citizens) twenty-six millions of dollars in the construction of roads, canals and bridges; she is now expending millions in addition.† Will she refuse a few paltry thousands for the accomplishment of the noblest, the most important, the most durable and beneficial of *all* internal improvements—the amelioration and protection of her population?

Who are the individuals who are now attempting to divert her from her duty; to injure her interests; to destroy her character? Who are the opponents of our system? Are they numerous, intelligent and experienced? We have shown that they are ignorant of the past, present and future operations of that system; that they are mere novices, who are unacquainted not only with our prisons, but with those in other states and countries. They have much yet to learn; nothing to teach; and differ in opinion from many of the greatest, wisest, most benevolent and practical men, who have investigated this subject. Howard, whose name is synonymous with philanthropy; Paul, who practiced the system which his friend promulgated; Eden and the learned Blackstone, the first who embodied that system in legislation; Mansfield, the brightest ornament of the bench of England; Paley, the acute and discriminating moralist; Liencourt and Villerme, the French reformers of prisons, are but a few of the eminent Europeans who have advocated our system. In our country we may enumerate that venerable prelate, Bishop White, whose whole life has been but one prolonged illustration of that religion which he professes; Dr. Rush, to whose wisdom and benevolence our Penitentiary discipline is so largely indebted; the late attorney general of the United States, the philanthropist, the scholar and the statesman, whose early death left a void in our social circle and in our bar, where he had no superior—William Bradford, who expunged the last sanguinary stain from our penal code, to whose enlightened humanity our statute book will be an everlasting monument;

*The Eastern Penitentiary has been retarded three years from the delay in granting the requisite appropriations; the edifice in the mean time being useless; the interest on the estimated cost, for this period, would be nearly sufficient to finish it.

†The total expenditure since 1791 on canals, rail roads, turnpikes and bridges, has been nearly $13,000,000, exclusive of the county expenditures on roads and bridges. More than four-fifths of this enormous sum has been expended since 1815. (1833.)

Livingston, the philosophic legislator of Louisiana, and a host of our humane and enlightened citizens, have all advocated the adoption of solitary confinement. The members of the Prison Society, the Inspectors and Commissioners of our Penitentiary, whose experience entitles their opinions to the greatest deference and respect, have repeatedly and earnestly requested our Legislature to sanction this discipline; the most humane, the most effectual, the most economical which the wisdom of man has hitherto discovered for the prevention of crime and the reformation of offenders. Every motive of duty, of interest, and of patriotism urges us to proceed. The eyes of the union are upon us: the great experiment of Penitentiary reform was commenced in our commonwealth, whence it has extended to other lands: the experience of forty years has demonstrated the efficacy of our measures; repeated legislative enactments have acknowledged and sanctioned their benefits. A regard for consistency, an attachment to our excellent and cherished institutions; a respect for the opinions of the wise, of the virtuous, and of the experienced; our reverence for the memory and exertions of those who have preceded us; our duty to ourselves and to posterity, to preserve and improve our noblest institutions; our character as citizens of this commonwealth, all demand the establishment of "*the Pennsylvania system of Penitentiary discipline.*"

# APPENDIX.

Since the first publication of the preceding essays the Pennsylvania system of prison discipline has been reduced to practice. "The Philadelphia Society for alleviating the miseries of public prisons" deputed one of their most distinguished and influential members to visit Harrisburg, during the session of the Legislature in 1828-9, for the purpose of obtaining the passage of the bill organizing the new penitentiary. The selection of Samuel R. Wood for this purpose was at once appropriate and successful. To him the community were indebted for the origin of the Act of Assembly of 1821, and in a great degree, for the successful prosecution of the building of the new edifice. His zealous, intelligent and disinterested exertions received the sanction of the Legislature; and his subsequent administration of the system as Warden of the establishment, (an office which he was induced to accept only by the importunities of his friends and his own sense of duty) has uniformly received the approbation of the public.

The Inspectors, who were appointed to superintend the new penitentiary, were organized and elected the honourable Charles S. Coxe president of their board. Mr. Roberts Vaux, one of their number, immediately resigned his office, and has not therefore been since connected in any manner with the administration of this well conducted establishment.

The eastern penitentiary has now 1833, been in operation for four years; 193 convicts have been received, 10 have died, and 51 have been discharged. One death only has occurred for fourteeen months; and there is not at the present moment one person sick; the health of the prisoners has been good according to the official reports of the physician. Of the 51 who have been discharged, *none* have returned a second time to this prison, and but one (an old and incorrigible rogue) has been reconvicted in another state to which he had exiled himself.

The following extract from the fourth annual report of the Inspectors, dated December 31, 1832, will exhibit the practical operation of the Pennsylvania system.

### REPORT OF THE INSPECTORS.

The Inspectors of the Eastern Penitentiary, in presenting their fourth annual report, congratulate the Legislature and their fellow citizens, on the success which has thus far attended the experiment of solitary or separate confinement of

convicts, connected with labour and moral and religious instruction.

It is a point now so generally conceded, as to become trite and familiar, that in the congregation of prisoners, consists most of the causes of increase of crime. This fact became early known to those who made penitentiary punishment a subject of reflection; and to obviate this difficulty, in the establishment of a perfect system, was the great desideratum of philanthropists. Classification was attempted, without success, owing to the unrelaxing vigilance necessary to keep up the system; the difficulty of judging the nature and disposition of the individuals to be thus classed; and the natural proneness, in those who become subject to the criminal laws, to degrade to one general level, all who come within their scope and influence.

In the Eastern Penitentiary, the important principles and main purposes of penal enactments, are, we think, fully carried into effect.

The reformation of offenders, and the prevention of crime, by deterring others from its commission, constitute the great objects of the Pennsylvania system of prison discipline.

Our official visits furnish us with abundant testimony of the disposition to reform, in nearly all who are confined. To make this disposition operative, requires much management, and various treatment; and while, as we think, we suceeed with some, and do not entirely fail with others, it is made apparent to us, that the hope of effecting a change in the morals of such as compose our criminal population in a congregated state, is entirely fallacious. We remark, generally, that at first the prisoner indulges in morose or vindictive feelings, and is guilty of turbulent and malicious conduct; but after a few weeks, he adopts a more subdued tone, becomes reasonable, and his countenance indicates a more amiable state of mind; is disposed to talk of his past life as one of misery and folly; begins to think that the barrier between him and a good reputation is not impassable; and there are those in the community, whose prejudices against the condemned are not so strong as to induce the withholding a friendly countenance to his attempts at restoration. In many, the retrospect of life becomes a horrible and loathsome subject of reflection—the sense of shame and feelings of remorse drive them to some source of consolation, and the ordinary means of stifling an actively reproving conscience being denied by reason of their solitariness, the comforts of the Bible and the peace of religion are early sought for.

Our anxiety to obtain a knowledge of the operation of the system, has caused a watchfulness of the conduct of those who have been discharged, and attempts are made to trace their progress in life. With very few exceptions, the result has

been satisfactory. Some, we have every reason to believe, are nobly striving to repair their past errors, and appear to be in the way of gaining an honest reputation. Some are living orderly and regular lives, and appear to have profited by their incarceration. There may be some on whom no change has been wrought; for we do not presume that all will be radically reformed: but of such we would say, that the term which they spent in their lonely cell, has made such an impression as to induce them to bid a long farewell to the state where legislators have provided a penal code, involving so many privations. None who have been discharged from the penitentiary have as yet returned to it.

We draw an argument in favour of the operation of this mode of prison discipline in preventing crime, from a comparative view of the criminal population in the years 1826 and 1832. We have not, at this period, a greater number of convicts in Pennsylvania, than we had in 1826. A glance at the criminal reports, for a series of years prior to the last date, will show a gradual increase of convicts: since then, the number has remained stationary, although the population of the state has rapidly advanced.

Some testimony may be gathered from a view of the business of our city police. The infrequency of crime of a serious character, has rendered the duties of our police officers comparatively light. It is within the memory of every citizen, that a few years past, combinations of rogues of every stamp called forth all the vigilance, activity and courage of our constables. Where are they now? Where are the desperate men whose names are notorious, and who blackened the calendars of former years? departed—lost sight of, or only serving now to "point a moral or adorn a tale."

We learn from many sources, that a wholesome dread of the misery of loneliness prevails among criminals, teaching them to avoid the crime or shun the state that brings such punishment.

We rely on the inculcation of religious truth on the minds of our prisoners, and we ask the attention of the Legislature to the subject of providing a means of instruction in religion, and the elements of education of a more permanent character than has yet obtained in our Institution. We think this is a point of great importance, and we feel it would be acknowledged such by all who could witness the deplorable deficiency in the rudiments of school learning, and the anxiety to be instructed made manifest among the prisoners.

We are under many obligations to good and pious individuals, who have volunteered the task of administering to the moral wants of those under our care; but it cannot be expected that so much time and attention can be gratuitously bestowed as their situations require, or as would work advan-

tageously to the establishment. Much good has, however, been done by the ministerial efforts of the Rev. Samuel W. Crawford, who continues to labour among these unhappy men, and to whom we thus publicly express our thanks. The Rev. Mr. Irvine has, during the last five months, also preached regularly to some portion of the prisoners, and occasionally visited them in their cells; yet we are not content with these services, because we perceive by the good done, that much greater good could be effected by a regular stated instructor.

On the subject of education the warden's report (which is annexed) contains some remarks, together with opinions on the character of the inmates of the prison, reasons for the diminution of crime, and views of the operation of the system upon criminals generally, which we refer to as corroborative of those founded on our experience.

The Inspectors feel great satisfaction in announcing that the profits of the past year meet the expenses of the Institution, excepting the salaries, and we entertain the belief heretofore expressed, that when the entire plan shall be completed, and the prison fully occupied, a revenue will arise from the labour of the convicts.

The report of the warden contains some views upon this subject, together with much valuable information, and many important suggestions.

The report of the physician annexed, exhibits the state of the health of the prisoners during the last year, as well as his opinion of the effect of the system on mind and body. We take this opportunity to advert to the fact that there appears to be a disposition in the authorities of some of the counties, to make use of the prison as a substitute for a bedlam. We have received prisoners whose state of mind make them irresponsible to the law, and who are only fit subjects for some lunatic asylum. The two cases of insanity mentioned in the physician's report, are known to have been labouring under mental alienation sometime prior to their conviction.

In former reports the board have already expressed to the Legislature its judgment of the practical operation of this system of penitentiary punishment, and it is with great pleasure that it now is enabled to testify that another year's experience has confirmed its former impressions.

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## PHYSICIAN'S REPORT.

To the Inspectors of the Eastern Penitentiary, the physician respectfully presents his annual report for 1832.

The health of the prisoners for this year has, upon the whole, been good. The complaints which have occurred most

frequently, have been intermittent fever in the spring and autumn; disorders in the bowels in the summer; and catarrhs and rheumatic pains in the winter. But one case of fever of a serious type has occurred.

No facts have been developed during this year to show that the mode of confinement adopted in the penitentiary, is particularly injurious to health. It has the effect, generally, of rendering the frame less robust;* but, at the same time, prevents the operation of numerous causes of disease, to which persons of the class which generally fill our prisons, are usually exposed, either from necessity, or from the indulgence of vicious habits. The circumstance, indeed, of being withdrawn from the influence of the severer atmospheric viscissitudes, such as wet and cold, which are prolific sources of disease with a large portion of the community, would of itself, more than compensate for the operation of any unfavourable causes to health, experienced in this prison. But, when it is considered, that many of the individuals sent to our prisons, have been in previous habits of drunkenness and debauchery, the comparative healthfulness of the confinement and mode of discipline must be apparent.†

The following table, exhibiting the comparative health on admission and discharge, of the twenty prisoners who have been liberated during this year, fully confirms the views here expressed.

| No. of prisoner. | State of health when received. | State of health when discharged. |
|---|---|---|
| 10 | Insane. | Insane. |
| 12 | Good. | Good. |
| 59 | Good. | Good. |
| 15 | Good. | Good. |
| 18 | Subject to asthmatic symptoms. | Same as when received. |
| 17 | Good. | Good. |

* The physician does not mean in this sentence (in which some words of qualification appear to be accidently omitted,) to convey the idea that *all* the convicts are rendered less robust; for he has elsewhere expressly mentioned to us, that he intended to remark that healthy, robust and athletic prisoners, who had been accustomed to many enjoyments, and to much exercise in the open air, were rendered less robust by this species of confinement *as well as by the usual mode of imprisonment*; but that the convicts in general, enjoyed better health in their solitary confinement, than when roaming at large subjected to no discipline, and rioting in drunkenness and debauchery.

† One circumstance attending the separate confinement of prisoners, deserves especial attention. No contagious or infectious disorder can be communicated—a prolific source of disease and death in prisons where the convicts are herded together. *Even epidemic diseases*, (which often owe much of their violence and danger to panic occasioned by alarming rumours, and the appalling spectacle of suffering patients) will be divested of some of their most dangerous features, when the prisoners are necessarily ignorant of their prevalence. In the Eastern Penitentiary, for instance, there is not a solitary convict, who was admitted prior to June, 1832, *who, even at the present moment*, is aware that the Asiatic Cholera has ever appeared in America. The awful ravages of these diseases at Auburn, Sing Sing, &c. are well known to our readers. G. W. S. (1833.)

| | | |
|---|---|---|
| 75 | Idiotic. | Idiotic. |
| 63 | Good. | Good. |
| 68 | Robust. | Excellent. |
| 22 | Good. | Good. |
| 24 | Good. | Good. |
| 25 | Good. | Good. |
| 48 | Insane. | Insane. |
| 3 | Good. | Better than on admission. |
| 62 | Not good. | Improved. |
| 41 | Good. | Good. |
| 44 | Good. | Good. |
| 93 | Not robust. | Better than on admission. |
| 91 | Imperfect. | Better. |
| 90 | Good. | Good. |

The physician, as well from his personal observation, as from the evidence which he heard given before the coroner's inquest, is perfectly satisfied that prisoner No. 49 was labouring under insanity when received into the penitentiary, and that he committed the act of self-destruction under the influence of a paroxysm of that disease.

Upon the whole, it may be affirmed that the health of the prisoners has been good during this year. The same period has proved destructive of human life, in portions of our country, from the prevalence of pestilence; but happily, from the isolated condition of our prisoners, and the regularity of their lives, the destructive cause has passed over them without producing disease.

The deaths which have taken place, are not of a character to throw a doubt on the propriety or humanity of the system pursued. Two of them have occurred after very short periods of confinement, while health continues to be enjoyed by a number of prisoners whose periods of imprisonment have been the longest. Without making any deduction for the case of suicide, the mortality of the year has been moderate. Thus, the average number of prisoners in confinement throughout the year has been 91, and the deaths having been 4, gives the mortality at only 4.4 per cent.

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## WARDEN'S REPORT.

After another year's experience, with an increased number of prisoners, it will be pleasing to all the friends of separate confinement to know, that we can adopt the language in my last annual report: "That nothing has occurred to discourage, but much to prompt us in a steady perseverance in the Pennsylvania system of prison discipline." I believe this can

be truly said of the past year, as regards the moral, the physical, and the pecuniary state of the establishment.

Those who are acquainted with the previous morals and habits of most of the inmates of prisons, will not expect that all convicts will be made pious men and good citizens by incarceration in a cell: to effect this would, indeed, be performing a miracle; but I think it doubtful, whether there is any situation in which an unfortunate man, who has wandered from the path of rectitude, can be placed, where he will so soon be made to feel and see his error, and desire to return to the right way. The punishment inflicted not merely on the body, but on the mind of the prisoner, uniting severity and humanity, is one which the unhappy culprit feels with all its force; but there is nothing in its operation calculated to increase his evil passions, or stimulate him to hatred or revenge; those who have the care of him, treating him with the kindness and compassion which are due to the unfortunate man, rather than the unnecessary and unfeeling harshness too frequently displayed towards the victims of folly, vice and crime, he is soon made to feel that the horrors of his cell are the fruits of sin and transgression, and the only certain relief to be obtained is through his Redeemer. Having no one to prompt in wickedness or shame him for his tears, he becomes humbled in spirit and anxious for help in the way of truth: and I am pleased to be able to say, that I believe there are some who rejoice that they have been brought here. I can truly say, that the more I see of the operation of our system, and the more thoroughly I become acquainted with the character of its inmates, the more important I view its establishment, and the greater its humanity appears. It is a mistake to believe that the inmates of prisons are a set of outlaws and tiger-like beings, lost to all good in this world, and without hope of an hereafter. Too many, (indeed most of them,) on first convictions, are either neglected youths thrown into the world without education and without friends, (often the victims of hard masters,) or ignorant men, the dupes of artful knaves who know how to elude detection. Neglect of early education, the use of ardent spirits, gambling and dealing in lottery tickets, are the most prominent causes of felony.

The deficiency in common school learning is greater than is generally supposed: of the 142 prisoners who have been received here from the commencement, only four have been well educated, and only about six more who could read and write tolerably; and we rarely meet with a prisoner who has had attention paid to moral and religious instruction.

The eastern district, that sends its prisoners to this penitentiary, comprises a population of about one million of inhabitants: during the three and a half years in which the law has been in operation, 126 persons have been sent here for all

offences of a higher character than larceny; and of the whole number, but *one* that can be called a master spirit in crime. Many reasons may be assigned for the diminution of this class of prisoners; but I believe that it may be attributed mainly to the knowledge that the community of thieves have of the nature and discipline of our establishment, and particularly three important features in it.

1st. The entire separation of the convicts, both by day and night, and the seclusion from all except their keepers.

2d. Their being deprived from all intercourse or knowledge of every kind with either their family or friends.

3d. That the friends of the system would use their endeavours to discourage the granting of pardons, so that the punishment might in all cases be certain; and the determination of the board of Inspectors to refrain from recommending the Governor to pardon, as has been the practice in the old prison.

There can be no doubt but these features in our system have had an effect, especially among the old convicts; for, of the 142, (the whole number received) 100 are known to be for the first offence, 10 are doubtful, and but 32 who are known and believed to be old offenders. No prisoner whom we have discharged has been reconvicted, and the information from those who have left here, has been generally satisfactory.

The plan pursued from the first, of purchasing stock and manufacturing on our own account, while it has many advantages, and in the number, that of excluding contractors and their agents from intercourse with the prisoners, subjects us to fluctuations common to all in trade. The last having been an unfavourable season in our commercial community, we have felt the effects of it in the disposal of our cotton fabrics. I am glad however, to find, on the taking of an account of stock and a settlement of our books to the first of last month, that the establishment has more than paid all its expenses, exclusive of officers' salaries. This result is satisfactory; for although it never was contemplated to make profit a primary object, yet it is desirable that the convict should not be a burthen to the state. As it has been proved that they can work to advantage in their cells, at both weaving and shoemaking, there can be little doubt but, with proper management, after a full organization, every expense will be paid by their labour. The prisoners are employed as follows:—43 in the dying, dressing and weaving; 32 shoemaking; 4 carpenters; 5 blacksmiths; 2 wheelwrights; 3 making and mending clothes; 2 washing clothes; 1 fire maker; 1 apothecary; 1 segar maker; 1 cook; and 2 idle. Only nine of the weavers, and four of the shoemakers, understood these branches when first admitted.

Of the 97 prisoners now in confinement, 74 are white males, 19 coloured males, and 4 coloured females: Eight are under

twenty years of age, fifty-one from 20 to 30, twenty-one from 30 to 40, ten from 40 to 50, five from 50 to 60, one from 60 to 70, and one over 70.

Thirty-seven are natives of Pennsylvania, thirteen of New Jersey, seven of Delaware, six of Maryland, six of New York, two of Connecticut, two of Virginia, one of Tennessee, one of Rhode Island, eleven of Ireland, six of England, one of Netherlands, two of France, one of Holland, one of Switzerland.

The general conduct and behaviour of the prisoners, has been such as rarely to produce any unpleasant feelings, on the part of their overseers, towards them.

The result of three years' practice, having so fully demonstrated the advantages of separate confinement, by day and night, over every other system known to me, I cannot but desire to see it introduced into the prisons of every civilized community.

Before I conclude this report, I earnestly request your attention to one of the greatest principles on which our discipline is founded, namely: The prevention of further corruption, by depriving prisoners of all opportunity of forming or extending an acquaintance with each other—an acquaintance which almost necessarily insures their education in all the modes of perpetrating crime, and eluding detection and conviction. Even if this almost inevitable result could be prevented in the common prisons of the state, as they are at present administered; and if a prisoner could be discharged, uncontaminated by his associates, still his person and history would be known by his companions in confinement; and, after their discharge, would too often be eagerly divulged to others, and thus the new character of a repentant convict be blasted, and he would too probably relapse into his old habits. In our penitentiary, this great evil to which I have alluded, is prevented; or, I should rather say, its progress is arrested; but in the county prisons, whence we derive our inmates, it exists to a deplorable and disgraceful extent. In these establishments, scarcely any classification is attempted, and no effectual separation is made; discipline is neglected, corruption increased, reformation is hopeless, and many most flagrant abuses are known to be practised without any mitigation. Convicts received by us from such county prisons, may indeed frequently be reformed by our discipline; the lessons of vice they have learned, when placed in a confinement which the law intended should be salutary, may sometimes be eradicated afterwards; but the great, the irremediable evil, has already been effected. The persons, &c. of such convicts, are known to the great community of rogues, and therefore, even if their reformation be effected when discharged from our penitentiary, too many temptations to relapse, too many obstacles to their commencement in the pursuits of honest industry, may and probably will

be encountered by them. Hence our institution cannot produce all the advantages of which it is susceptible, until the county prisons are reformed by the same plan of separate confinement, &c. which we pursue. If an inquiry into the condition of these prisons could be made, by order of the Legislalature, I am confident the remarks I have made would be substantiated; and, that many important benefits would result from such an inquiry, is the opinion of some of our most intelligent and humane citizens.

All of which is respectfully submitted, by

SAMUEL R. WOOD, Warden.

*Philadelphia, 12th-mo. 31st*, 1832.

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Religious service is performed in the Eastern Penitentiary in the following manner; the clergyman takes his station at the end of one the corridors; a curtain suspended from a wire extends from one extremity to the other, dividing it longitudinally: the wooden doors of the cells are then opened. The temporary screen prevents the convicts seeing each other, and the keepers are in attendance to prevent any attempt at conversation. Each prisoner is therefore isolated in his pew or cell, and can hear the service distinctly. This arrangement is far superior to the mode adopted in the chapels in the British Penitentiaries, &c. where the prisoners can frequently see each other in church, and particularly in going to and returning from it. Even at Gloucester where the chaplain instructed them privately in their cells, they were most injudiciously required to attend in the chapel also.

In the British Penitentiaries the convicts sentenced to solitary confinement have also several other opportunities to see each other; viz. when taking exercise in the airing yards. Even at Gloucester where only two were allowed to be in the court together, and were separated (when they were working at the pump) by a wooden partition—they could see each other when walking in the court, and in returning to their cells. In our Pennsylvania system, it is regarded as an all important principle that *convicts shall never see each other at any time during their confinement;* and this provision is uniformly and carefully enforced in our penitentiaries. The design is to prevent the possibility of prisoners forming an acquaintance with each other in prison. In this respect, our system is superior to that adopted in Great Britian. It will not, however, be *complete* until the laws of 1790, &c. be *enforced* in all the *county* prisons in the same manner as in the new prisons of Alleghany and Philadelphia counties. See the note in page 51.

*November* 15, 1833. G. W. S.